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MANUAL OF THE IRISH  
TRAMWAYS AND LIGHT RAILWAYS ACTS,  
WITH  
POPULAR EXPOSITION OF THEIR PROVISIONS,  
EXPLANATORY NOTES,  
PRACTICAL FORMS, AND COPIOUS INDEX,

BY

E. O. MACDEVITT, Esq.,

Barrister-at-Law; formerly Her Majesty's Attorney-General for Queensland;  
Author of "Popular Exposition of the Land Act of 1881,"  
"Manual of Irish Land Acts," &c.

*Price 5s.*

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A MANUAL  
OF THE  
ACTS FOR THE CONSTRUCTION  
OF  
TRAMWAYS AND LIGHT RAILWAYS  
IN IRELAND.

BEING  
A REPRINT OF THOSE ACTS WITH A CONCISE AND  
POPULAR EXPOSITION OF THEIR PROVISIONS;  
EXPLANATORY NOTES AND PRACTICAL FORMS.

BY  
E. O. <sup>u</sup>MACDEVITT, Esq.,

BARRISTER-AT-LAW, FORMERLY H.M. ATTORNEY-GENERAL FOR QUEENSLAND.  
AUTHOR OF POPULAR EXPOSITION OF THE LAND ACT OF 1881,  
MANUAL OF THE IRISH LAND ACTS.

DUBLIN:  
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1883.

<sup>4</sup>  
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H.3670.

## P R E F A C E.

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THE legislation of last session encouraging the construction of Tramways, and extending, at the instance of Mr. Lea, M.P. for Donegal, the provisions for that purpose to Light Railways, must soon come largely into operation. Having regard to the scope of that legislation and the parts of the country it is likely immediately to affect, it is to be hoped that advantage will be taken of it without delay. The Tramways Act of 1883 will bring great advantages to the inhabitants of poor and remote districts. Many of them who are not much affected by the Land Act will derive substantial benefit from the working of the new measure. Nor should the advantage to existing railways from the construction of new feeders of traffic be lost sight of.

It is hoped, therefore, that it will prove useful to have the various Irish Tramways Acts collected and printed together with a brief and popular explanation of their provisions. That will be attempted in the following pages. Forms, based on precedents already used, of Notice, Memorial, and Order in Council incorporating Company, and embodying Working Clauses, have been appended.

It is obviously of great importance that the public should have, without delay, the information sought to be given in this little work. In the desire to give it early, though great care has been taken, it is feared that mistakes may have been made. It is hoped that, if any there be, they will be few and not important.

One thing ought to be borne in mind. By reason of the necessity of obtaining the consent of the Treasury to Orders in Council under the Act of 1883, it will be particularly necessary for promoters of Companies for the construction of Tramways and Light Railways under that Act to be careful in every step they take that their proceedings are in order.

E. O. MACDEVITT.

13, GARDINER'S-PLACE, DUBLIN,  
1st September, 1883.



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## INTRODUCTION.

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CONSTRUCTION OF TRAMWAYS AUTHORIZED.—WHEN NECESSARY TO HAVE ACT OF PARLIAMENT.—ACTS EXTENDED TO LIGHT RAILWAYS.—GUARANTEE OF DIVIDEND.—GRAND JURY MAY MAKE AND WORK TRAMWAYS AND RAILWAYS IN CERTAIN CASES.

The construction of Tramways in Ireland is provided for by the Tramways (Ireland) Act of 1860, and the subsequent Acts of 1861, 1871, 1876, 1881, and 1883. By these Acts the promoters of Tramway Companies can, under certain circumstances, without going to Parliament procure from the Grand Jury and Lord Lieutenant the incorporation of their Companies and the authority to construct and work their lines. It is interesting to note that by the principal Act—that of 1860—it was made necessary that Parliament should be applied to in every instance. But by the Act of 1861 the necessity for a special Act was dispensed with in most cases. By the Act of 1881 the instances in which an Act was required were still further reduced.

The Act of 1871 was the first to authorize tramway companies to use steam or other mechanical power. The provisions of the Act mentioned to that effect were further extended by the subsequent Act of 1881. The maximum limit of speed permitted is twelve miles an hour, but when the line is more than thirty feet from a public road the limit as to speed is taken away.

The Act of last Session is well calculated to promote the extension of tramways and railways in Ireland. By it the legislation in respect of tramways is extended to light railways. It provides for the guarantee by the Grand Jury of a dividend of not more than five per cent. per annum on the paid-up capital, and for the contribution by the Government of half the amount of the guarantee. But the

Government contribution is not to exceed two per cent. Thus, if a dividend at the rate of four per cent. is guaranteed, the guaranteeing county or barony will only have to pay half, the Government paying the other half.

The Act of 1883 contains clauses which ensure perhaps still more effectually the construction of Tramways or light Railways. The Lord Lieutenant, on the presentment of the Grand Jury, may, by Order in Council, provide that in case of default on the part of the promoters, the completion, working, and maintaining of the line may be provided for at the cost of any barony or baronies.

## CHAPTER I.

PRELIMINARY PROCEEDINGS—EXTENSION OF TRAMWAYS ACTS  
TO LIGHT RAILWAYS—INQUIRY BY BOARD OF WORKS.

The attention of the reader must be directed at the outset to the following provision in the interpretation clause of the Act of 1883, viz., "In the construction of this Act (the Act of 1883) and the Tramways (Ireland) Acts, the word 'tramway' shall be construed to include for the purposes of this Act (the Act of 1883) light railways." No description of what is meant by light railway is given. That will be a question for the Treasury before giving its consent to any undertaking. To be able to make use of for the construction of railways, facilities originally intended only for the construction of tramways is a great boon. Light railways are those—the carriages to be used on which shall not bear a greater weight than eight tons to any one pair of rails, and the maximum speed shall be twenty-five miles an hour (31 & 32 Vic., cap. 119, sec. 28).

The first step to be taken by the promoters of any undertaking under the Tramways (Ireland) Acts is to prepare the notices, plans, books of reference, sections and cross-sections, &c., prescribed by the first four sections of the Act of 1860 (pp. 19, 20, 21). Schedule A (p. 36) to that Act gives full particulars as to the form of these notices. When this is done and when the promoters consider that from the information obtained, and the reasons to be offered they are entitled to have their application for the approval by the grand jury, granted by that body, they ought to apply to the Board of Works to hold an inquiry concerning the merits of the undertaking. (Sections 9 of the Act of 1860, p. 23, and 6 and 7 of the Act of 1861, p. 47). The documents above referred to, and a sum to cover expenses, but not exceeding a hundred pounds must be deposited with the Board of Works.

The inquiry shall extend only to the merits of the undertaking,

in an engineering point of view, and the Board of Works shall report their opinion thereon, and may recommend any modification which they may think advantageous. (Section 7 of the Act of 1861, p. 47).

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## CHAPTER II.

### APPLICATION TO GRAND JURY—NOTICE OF—DEPOSIT OF MAPS, BOOKS OF REFERENCE, MEMORIALS, ESTIMATES, &c.—REPORT OF COUNTY SURVEYOR.

The application to the grand jury for their approval of the undertaking must next be made. The notice of such application prescribed by Schedule A to the Act of 1860 (p. 36), shall be inserted in some one and the same newspaper of the county; if none then in a newspaper of an adjoining county, in three successive weeks. Where several counties will be affected by the undertaking, then the advertisement of the notice shall appear in a Dublin paper and in one paper of each of the various counties interested. (See Schedule A, p. 36).

In case the application is to be made at the Spring Assizes the notice shall be advertised in the month of November or December immediately preceding; if at the Summer Assizes, in the months of April or May. The following notice must also be given, and at the dates hereinafter specified, according as the application is to be made at the Summer or Spring Assizes, viz. :—

Notice to owners, lessees, and occupiers of land proposed to be taken on or before the 2nd day of May, or on or before the 2nd day of December. (Section 3 of the Act of 1860, p. 20, and section 4 of the Act of 1861 p. 46).

There shall be deposited with the secretary of the grand jury on or before the 1st day of May, or on or before the 1st and 12th days of December, according as the application is to be made at the Summer or Spring Assizes

1. Copy of advertisement,
2. A published map showing the line,
3. Plan, book of reference, and section (Section 2 of the Act of 1860, and section 4 of the Act of 1861).

Subject to the same contingency there shall also be deposited, with the secretary of the grand jury, on or before the 12th day of May, or on or before the 12th day of December :

1. A memorial signed by the promoters, or one of them, praying for an order authorising the undertaking, and enclosing a draft of the said order,
2. An estimate of the cost similarly signed,
3. List of persons to whom the notice above referred to has been given.

The county surveyor and the clerk of each union, through which the line is to pass, are to have copies of each of these documents (Section 4 of the Act of 1860, p. 20, and section 4 of the Act of 1861, p. 46).

When the undertaking goes through more than one county then there need be deposited with the grand jury, county surveyor, and clerk of union, only such maps, &c., as relate to so much of the line as lies within that particular county. (Section 6 of the Act of 1860, p. 22).

The county surveyor is to make a report and to give a copy of it to the promoters, at least three days before the inquiry by the grand jury.

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## CHAPTER III.

INQUIRY BY GRAND JURY—PROCEEDINGS SAME AS IF PART OF FISCAL  
BUSINESS—PROPOSAL FOR BARONIAL GUARANTEE—PRESENT-  
MENT IN PURSUANCE THEREOF—PAYMENTS UNDER GUARANTEE  
REIMBURSED IN PART BY THE TREASURY—ARBITRATORS—  
APPROVAL OR DISAPPROVAL BY GRAND JURY.

The application now comes before the grand jury. By section 36 of the Act of 1860 (p. 31), proceedings under the Tramways (Ireland) Acts shall be deemed to be part of the fiscal business. The promoters are entitled to be heard, of course, in support of the undertaking, and any person interested in the most remote way is entitled to be heard in opposition. (Section 5, p. 21).

The grand jury will first determine whether the statutory requirements have been complied with. But persons intending to oppose the application on this ground must lodge with the secretary of the grand jury a memorial specifying the non-compliance complained of. Then the merits are to be considered. As to this the report of the Board of Works will naturally have great weight.

In making the application to the grand jury the promoters may propose a baronial guarantee for the payment of dividends upon paid-up capital, and may also propose that in case of default by the promoters, the completion, working, and maintaining of the undertaking shall be provided for at the cost of the barony or baronies specified.

The grand jury may make a presentment to be submitted to the Lord Lieutenant charging any barony or baronies with the payment of dividends at a specified rate, and also charging such barony or baronies, on default by the company, with the cost of completing, working, and maintaining the undertaking. The grand jury may provide that they shall be represented on the governing body of the company by persons nominated at presentment sessions. This may be done (1) by providing for the election of a director, local consulting director, or directors; (2) by enabling presentment sessions to appoint an auditor with all the necessary powers; (3) by enabling such presentment sessions to attend and vote at general meetings of the company; (4) by any combination of the foregoing arrangements. The grand jury may also lay down a scale of payment for the directors and officials of the company. (Section 1 of the Act of 1883, p. 55).

During the continuance of the guarantee the net receipts shall be applied towards paying the guaranteed dividend, and if the net receipts be insufficient for that purpose, then the amount deficient shall be levied off the barony or baronies chargeable under the guarantee. (Section 4 of the Act of 1883, p. 58). But, if subsequently there be profits from the net receipts after paying the guaranteed dividend, such profits shall be paid to the county treasurer until all moneys previously paid by the guaranteeing barony or baronies be repaid. (Section 5 of the Act of 1883, p. 58).

The county surveyor, and two persons to be appointed by the

Board of Works, shall act as arbitrators to determine the amount of gross and net receipts, the amount payable by the guaranteeing barony or baronies towards constructing, maintaining, or working the line, or towards the guaranteed dividend. (Section 6 of the Act of 1883, p. 59). The sums thus certified for by the arbitrators are to be presented by the grand jury without any application to presentment sessions, and to be paid by the county treasurer. (Section 7 of the Act of 1883, p. 60).

When in any half-year after the line has been opened for traffic any guaranteeing barony or baronies has paid any sum in respect of guaranteed dividend, the Treasury may, if the line is maintained in working order and carries traffic, authorize the Board of Works to pay to the county treasurer, to be put to the credit of such barony or baronies, a sum not exceeding one-half what has been paid in respect of guaranteed dividend during such half-year, but not exceeding in the whole, interest at the rate of two per cent. per annum on the paid-up capital of the company. (Section 10 sub-section 2 of the Act of 1883.)

## CHAPTER IV.

### TRAVERSE OF APPROVAL.

In case the grand jury approve of the undertaking such approval may be traversed. The traverse is to be entered before twelve o'clock on the day following the approval. Such traverse may be on such technical grounds as the traverser may specify in his memorial entering the traverse, in which case it shall be disposed of by the judge of assize, or it may be on the merits, in which case it will be tried as an ordinary issue. This right of traverse is given by the amending Act of 1861, and as that Act is silent as to whether it supersedes the right of appeal given by the principal Act (that of 1860) it would seem to follow that it does not. If, however, the grand jury approves and the approval is traversed and the traverser is defeated, it is not likely that he will appeal unless in very exceptional cases.



## CHAPTER V.

### APPEAL FROM APPROVAL OR DISAPPROVAL.

The grand jury will either approve or disapprove of the application. If one county only is interested and the grand jury disapproves, there is no appeal. If more than one county is interested, and the grand jury of one county approve and the grand jury of another disapproves, there is an appeal from such disapproval. If such appeal be unsuccessful, or if no such appeal be brought, then the application of the promoters shall be deemed to have failed. (Sections 7 and 8 of the Act of 1860, p. 22).

Where the promoters bring an appeal against a disapproval by the grand jury, notice of it is to be inserted in the *Gazette*, and in the same newspaper or newspapers in which notice of the application must be advertised. (Section 12 of the Act of 1860, p. 24).

But, if the grand jury approves there is an appeal against such approval. The appeal in every case lies to the Lord Lieutenant in Council, and may be brought by any company or owner of land who opposed the application on the hearing before the grand jury. (Section 5 of the Act of 1860, p. 21).

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## CHAPTER VI.

### APPEAL AGAINST PRESENTMENT.

By section 2 of the Act of 1883 (p. 57) the ratepayers, not less than six in number, liable to pay county cess in any barony specified in the presentment of the grand jury, may appeal against such presentment.

## CHAPTER VII.

ORDER IN COUNCIL—MAY PROVIDE FOR JOINT-STOCK COMPANY  
—FOR CARRYING THE LINE OVER PUBLIC THOROUGHFARES—  
MAY, WITH SANCTION OF TREASURY, CONFIRM PRESENTMENT  
OF GRAND JURY—PAID-UP CAPITAL—THE LINE IN CERTAIN  
EVENTS TO BECOME THE PROPERTY OF THE GRAND JURY.

When the decision of the Lord Lieutenant in Council is in favour of the undertaking then he is to draw up an Order in Council authorizing the making and maintaining of the line. (Section 13 of the Act of 1860, p. 24). Where the promoters desire that a joint stock company be constituted, then the Order in Council shall contain proper provisions for that purpose. (Sections 15, 16, 17, and 18 of the Act of 1860, p. 25). The line may be authorized to be made along public highways or streets. (Section 24 of the Act of 1860, p. 27, section 2 of the Act of 1871, p. 49, and section 7 of the Act of 1881, p. 53).

The Order in Council is to specify the maximum tolls and charges (section 25 of the Act of 1860, p. 27). The Order in Council so made may be varied by a subsequent Order in Council, and the time for completion may be extended. (Sections 26 and 27 of the Act of 1860, p. 27).

The Order in Council may include a confirmation of any presentment of a grand jury guaranteeing dividends, or the cost of completion, maintenance, and working of the line. (Section 3 of the Act of 1883, p. 57). Where such confirmation is sought, the Order shall only be made with the sanction of the Treasury. (Section 3 of the Act of 1883, p. 57). The Board of Works must furnish the Lord Lieutenant with an estimate of the amount of paid-up capital necessary for the undertaking, and the Lord Lieutenant shall fix a limit upon the amount of capital upon which dividends may be guaranteed, and subject to that limit the amount of paid-up capital for the time being shall be deemed to be the paid-up capital of the company. (Section 10 of the Act of 1883, p. 61).

Every Order in Council confirming a presentment for a baronial guarantee is to contain the necessary provisions to give it effect. The Order is also to provide that if any money has been paid under the guarantee for completing the line or during any period of not less than two years, to be fixed by the Order, any money has been paid under the guarantee for maintaining or working the line—then the line is to become the property of the grand jury, and to be worked at the cost of the guaranteeing barony or baronies. The Order is also to provide how, in that event, the undertaking is to be worked, accounts kept, &c. (Section 10 of the Act of 1883, p. 61).

## CHAPTER VIII.

### ACT OF PARLIAMENT WHEN REQUIRED.

Section 14 of the Act of 1860 (p. 24), section 9 of the Act of 1861 (p. 47), and section 6 of the Act of 1881 (p. 53), are the enactments dealing with the necessity of an Act of Parliament for the undertaking. The result is that the Order in Council shall immediately take effect without any Act of Parliament confirming the same, except (1) where it is made after an appeal against a disapproval by a grand jury has been allowed, and (2) except where it is made after an appeal against an approval by the grand jury has been disallowed. But where the grand jury approved and no appeal has been taken, or if taken not proceeded with then there is no necessity for an Act of Parliament. But where an Act of Parliament is necessary, section 14 of the Act of 1860 (p. 24), provides that the Lord Lieutenant in Council, shall take steps to procure such Act without delay.

Where the Order in Council is made after an appeal against a presentment under section 1 of the Act of 1883 is disallowed then an Act of Parliament would seem to be necessary. (Section 2 of the Act of 1883, p. 57).

## CHAPTER IX.

## PROVISIONS WHERE MORE THAN ONE COUNTY INTERESTED—

## WHERE A COUNTY AND CORPORATE TOWN ARE INTERESTED.

Where the line runs through different counties, proceedings must be taken before the grand jury of each county, in respect of the part of the line within it. Where the line runs partly through a county and partly through a city or town corporate, the municipal corporation or governing body is to be treated, as nearly as may be, as if it were the grand jury of a county. (See section 38 of the Act of 1860, p. 32, and section 8 of the Act of 1883, p. 60, which contain a few special provisions regulating the proceedings when the proposed line is in the city or county of Dublin, or partly one and partly the other).

## CHAPTER X.

## GENERAL PROVISIONS—GAUGE—RESPECTING ALTERATIONS IN ORIGINAL PLANS—COSTS AND EXPENSES—DISQUALIFICATION OF PROMOTERS—INCORPORATION OF VARIOUS ACTS.

Lines of railway or tramway constructed under the Tramways Ireland Acts, &c., must have a uniform gauge of five feet three inches. (Section 24 of the Act of 1860, p. 27).

When alterations in the original plans and sections have been made, maps showing such alterations must be deposited in the same way as the original maps. (Section 21 of the Act of 1860, p. 26).

Where the promoters are not an existing company, or if an existing company have no line open for traffic, they shall by way of security deposit in the Bank of Ireland a sum equal to one-twentieth of the estimated cost of the undertaking.

This will be paid back under the circumstances mentioned in section 29 of the Act of 1860 (p. 28).

The costs of the Order in Council and preliminary thereto shall be paid by the promoters, and all other costs shall be in the discretion of the Lord Lieutenant. (Section 32 of the Act of 1860, p. 31).

The county surveyor and promoters' engineer may enter on lands proposed to be taken. (Section 32 of the Act of 1860, p. 31).

Grand jurors or members of bodies having control of roads in any borough or town corporate, who also are promoters of an undertaking, are disqualified from voting when any question concerning the undertaking of which they are promoters is under discussion in the body to which they belong. (Section 40 of the Act of 1860, p. 33).

The Lord Lieutenant in Council may authorise any existing railway company to contribute to the cost of any line to be made under the Act of 1883. But such order is not to take effect unless confirmed by Act of Parliament, if any appeal against it has been taken and proceeded with. (Section 11 of the Act of 1883, p. 62).

By the Act of 1860 (sec. 42, p. 34), no lands could be taken for the purpose of the line except lands within a distance of thirty feet from a public road. But that section may be declared by Order in Council not to apply to the case of a line in favour of which a baronial guarantee has been obtained. (Section 23, subsection 5 of the Act of 1883, p. 68).

For the purposes of undertakings under the Tramways Acts, not specially regulated by them, the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, the Railway Clauses Consolidation Act, 1845, the Railways Ireland Act, 1851, are to be taken as if incorporated in the Orders in Council authorizing such undertakings.

# TRAMWAYS (IRELAND) ACTS.

23 & 24 VIC., CAP. 152.

An Act to facilitate internal communication in *Ireland* by means of Tramroads or Tramways.

[28th August, 1860.]

WHEREAS it would be of great public and local advantage if powers were given to persons desirous to promote the construction of tramways in *Ireland* to make use for that purpose, under proper control, of public roads, post roads, and common highways, where the same can be done without injury to public interests, and to purchase and hold such lands contiguous to such roads and highways, or agreed to be sold by the owners, as shall be found useful and necessary for the completion of such undertakings, and to use such tramways for the conveyance of passengers, produce, minerals, merchandise, and other goods, in carriages, waggons, and trucks moved by animal power: be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. Any persons intending to apply under this Act for authority to make and maintain a tramway, which persons are hereinafter called the promoters, shall in the months of *April* and *May*, or either of them, immediately preceding the application, publish notice of their intention by advertisement, according to the regulations contained in Schedule (A.) to this Act, Part I: provided always, that it shall not be competent to make application for a tramway or tramways under the provisions of this Act to unite places between which statutory powers for making a railway or railways for directly connecting the same shall have been granted and be in force.

Notice by  
Advertisement  
as in Sched. (A.)  
Part I.

See sec. 36, p. 31, providing that proceedings under this Act before the Grand Jury shall be deemed to be part of their Fiscal Business.

This sec. contained a proviso prohibiting tramways in places where railways had been authorized by Act of Parliament. That provision has been in most part repealed by sec. 23, sub-sec. 1 of the Act 1883.

See sec. 25 of the Act of 1883, p. 69, by which it is provided that in construction of that Act and the Tramways (Ireland) Acts, the word "Tramway" shall be construed to include, for the purposes of the Act of 1883, a light railway.

See schedule A., *infra*, as to form of notice. Care should be taken to follow it.

See secs. 3 and 4 of the Act of 1861, p. 46. Notices may by virtue of the latter sec. be advertised in November or December for the Spring Assizes following.

See sec. 37, p. 31, and 39 and 40 Vic. chap. 65, p. 50, as to proceedings

in respect of undertakings to be carried out within the city or county of Dublin.

See sec. 38, p. 32, as to proceedings when the line is to be made partly or wholly within any borough or corporate town.

By sec. 1, subsec. 1 of the Act of 1883, p. 55, the promoters may in their application propose that the Grand Jury shall guarantee a certain dividend, and also that if the promoters make default, the Grand Jury shall make and maintain the line.

The times appointed by the various Tramways Acts for publishing advertisements, giving notices, and depositing documents, in so far as they relate to proceedings under the Act of 1883, may be varied by the Lord Lieutenant (sec. 23, subsec. 3, of the Act of 1883, p. 68).

Deposit of  
Plan, Section,  
&c., as in Sched.  
(A.) Part II.

II. On or before the first day of *May* in the same year, the promoters shall deposit with the secretary of the grand jury of any county within which the tramway is proposed to be made—

1. A copy of the advertisement published by them ;
2. A published map to a scale of not less than a quarter of an inch to a mile, with the line of the proposed tramway delineated thereon, so as to show its general course and direction ;
3. A plan, book of reference, and section, prepared according to the regulations contained in Schedule (A.) to this Act, Part II. ;

and with the county surveyor and the clerk of each union through which the tramway is proposed to be made, a copy of each of the same documents.

If the application is to be made at the Spring Assizes, see sec. 4, p. 46, of the Act of 1861, as to the time within which the requirements of this sec. are to be compiled with.

See sec. 6 of this Act, p. 22, as to lodging plans, &c., when the proposed line does not lie wholly within one county.

See sec. 21, p. 26, as to the depositing plans, &c., if any alterations have been authorized by the Order in Council.

See also sec. 22 of this Act, p. 26.

Plans, &c., must be deposited at the Admiralty when line is over tidal lands (sec. 41 of the Act of 1860, p. 33).

See last note to sec. 1, *supra*.

Notice to  
Owners of  
Lands as in  
Sched. (A.)  
Part III.

III. On or before the second day of the same month of *May*, the promoters shall give to the owners, or reputed owners, lessees, or reputed lessees, and occupiers, of all lands which the promoters intend to apply for power to take, notice of their intention, according to the regulations contained in Schedule (A.) to this Act, Part III.

The first note to preceding sec. is applicable to this one.

See last note to sec. 1, *supra*.

Deposit of  
Memorial and  
Estimate, and  
List as in  
Sched. (A.)  
Part IV.

IV. On or before the twelfth day of the same month of *May*, the promoters shall deposit with the secretary of the said grand jury—

1. A memorial of the promoters, signed by them, or some or one of them, addressed to the Lord Lieutenant in Council, praying for an Order in Council authorizing the making

of the tramway, with a draft of the proposed Order scheduled to the memorial ;

2. An estimate of the expense of the undertaking, signed by the person making the same ;
3. Lists of the owners and others to whom the promoters have given such notice as is hereinbefore required, prepared according to the regulations contained in Schedule (A.) to this Act, Part IV. ;

and with the county surveyor a duplicate of each of the same documents.

The first note to sec. 2 is applicable to this sec.

See last note to sec. 1, *supra*.

V. At the summer assizes of the same year the said grand jury shall, on the application of the promoters, inquire whether or not the requirements contained in the foregoing enactments have been complied with (for which purpose they shall have power to summon witnesses, and require the production of documents, and take evidence on oath or otherwise) and shall hear any person interested in contending that such requirements have not been complied with who shall lodge with the secretary of the grand jury a memorial complaining of non-compliance in some particular specifically stated in such memorial, and shall then proceed to inquire generally into the *prima facie* merits of the undertaking. With reference thereto the grand jury shall take into consideration the report of the county surveyor on the undertaking, (who is hereby required to make a report thereon to the grand jury, and to deliver a copy thereof to the promoters three clear days at least before the inquiry by the grand jury), and shall hear in opposition to the application any owner, lessee, or occupier of any lands proposed to be taken for the purposes of the undertaking, or alleged to be injuriously affected thereby, and any railway or other company or person desiring to be heard in opposition on the ground of competition, or any part of whose rails, trams, stations, works, or accommodations is proposed to be taken or in any manner used or interfered with for the purposes of the undertaking, and the inhabitants of any town, place, or district alleged to be injuriously affected by the undertaking. The grand jury shall then approve or disapprove, as they may think fit, of the undertaking, with or without modification, having regard to the compliance or noncompliance of the promoters with the requirements aforesaid, and to the *prima facie* merits of the undertaking, in engineering, financial, and other respects ; and such approval or such disapproval (with, in case of disapproval, the grounds thereof,) shall be certified in writing under the hand of the secretary of the grand jury ; and in all cases where the proposed undertaking is approved of by any grand jury or grand juries, it shall be lawful for any railway company or owner of land who may have opposed the application for the same to appeal against any such approval to the Lord Lieutenant in

Preliminary  
Inquiry by  
Grand Jur. at  
Summer  
Assizes.



Council, who shall, as soon as may be, inquire into the grounds of such approval, and allow or disallow the appeal.

It is to be noted that if it is intended to oppose the application on the ground that any of the preliminary requirements have not been complied with, a memorial to that effect shall have been lodged with the Secretary of the Grand Jury beforehand. Note also the parties entitled to be heard in opposition to the application. In addition to the various matters which under this section are to be inquired into, the Grand Jury shall also consider the presentment which sec. 1 of the Act of 1883 authorizes them to make. See that sec. p. 55, and the last note to sec. 1, p. 20.

This sec. originally enacted that the approval or disapproval should be provisional; but by sec. 2 of the Act of 1861, p. 45, the approval or disapproval is to be definitive. Accordingly, the words "provisional" or "provisionally," have been omitted from the clause.

Sec. 5 of the Act of 1861, p. 46, provides that the approval may be traversed. Such traverse may be on technical grounds or on the merits.

The right of appeal to the Lord Lieutenant is not thereby taken away.

Such appeal may be taken against the approval by the Grand Jury by any company or individual who may have opposed it.

Where the proposed line lies within several counties, and one or more of the counties approves, and one or more disapprove, then the disapproval may be appealed against (sec. 7, *infra*).

But where the line lies within one county, and the Grand Jury disapproves, or in several counties and all the Grand Juries disapprove, then there is no appeal from such disapproval. See sec. 8, *infra*.

See also right of appeal given by sec. 2 of the Act of 1883, p. 57.

See sec. 12, p. 24, as to notice of appeal and proceedings thereon.

See sec. 38, subsec. 2, p. 32, as to appeal in certain cases.

Tramway not  
wholly in one  
county.

VI. Where the proposed tramway does not lie wholly within one county, the foregoing enactments shall apply equally to every county within which any part of it lies, except that the promoters may, if they think fit, deposit with the secretary of the grand jury, and the surveyor of any county, and the clerk of any union, such plan, book of reference, section, estimate, and lists only as relate to so much of the proposed tramway as lies within that particular county.

See secs. 2 and 4, and notes thereto, *supra*.

Appeal to Lord  
Lieutenant in  
Council against  
disapproval.

VII. Where the proposed tramway does not lie wholly within one county, and the undertaking is provisionally approved of by any one of the grand juries before whom the application comes, but is disapproved of by any other or others of such grand juries, it shall be lawful for the promoters to appeal against such disapproval to the Lord Lieutenant in Council, who shall, as soon as may be, inquire into the grounds of disapproval, and allow or disallow the appeal.

See notes to sec. 5, *supra*.

On disapproval,  
&c., application

VIII. Where the proposed tramway lies wholly within one county, and the Grand Jury of that county disapproves of the

undertaking, and also where the proposed tramway does not lie wholly within one county, and either the Grand Juries of all the several counties disapprove of the undertaking, or any one of them disapproves of it, and no appeal is brought against such disapproval, or any appeal brought is disallowed, then and in every such case the application of the promoters shall be deemed to have wholly failed.

See notes to sec. 5, *supra*.

IX. In every other case the Commissioners of Public Works, hereinafter called the Board of Works, as soon as may be after such provisional approval or such allowance of appeal as aforesaid, on the application of the promoters, and on being furnished by them with duplicates of all such plans and other documents as are hereinbefore required to be deposited, and with all such other plans and documents and all such other information as the Board of Works may require, shall, by such fit persons or person as they shall appoint for the purpose, make public inquiry concerning the merits of the undertaking (to be held on or near some part of the lands proposed to be taken for the tramway, and according to the regulations contained in Schedule (A.) to this Act, Part V.), and shall report their opinion thereon, and by such report recommend, if they think fit, any such modification of the undertaking, in an engineering or financial or other respect, as may seem to them of public or local advantage.

On approval local public inquiry by Board of Works as in Sched (A.) Part V.

By sec. 6 of the Act of 1861, p. 47, this inquiry is to be made by the Board of Works in the first instance before the application is made to the Grand Jury.

See sec. 7 of the Act of 1861, p. 47, as to subject of such inquiry.

The operation of this and the following section is considerably affected, and to some extent repealed, by sections 6 and 7 of the Act of 1861.

X. At the spring assizes next after the said summer assizes the grand jury of each county within which any part of the proposed tramway lies, shall on the application of the promoters take into consideration the report of the Board of Works, and also the further report of the county surveyor on the undertaking, (who is hereby required to make a further report thereon to the grand jury, and to deliver a copy thereof to the promoters three clear days at least before the inquiry by the grand jury), and shall hear in opposition to the application any such owner, lessee, occupier, company, person, or inhabitants as aforesaid. The grand jury shall then definitively approve or disapprove, as they may think fit, of the undertaking, with or without modification, having regard to the merits of the undertaking in engineering, financial, and other respects, which definitive approval or disapproval (with, in case of disapproval, the grounds thereof,) shall be certified in writing under the hand of the secretary of the grand jury.

At Spring Assizes definitive approval or disapproval.

No longer of any effect.

XI. On the conclusion of such proceedings at the spring assizes, the promoters shall have the like right of appeal as is hereinbefore

Appeal, &c. as before.

given to them in respect of proceedings at the summer assizes, and on definitive disapproval or on disallowance of appeal (as the case may be) the application of the promoters shall be deemed to have wholly failed.

Notice, &c., of  
appeal.

XII. On the promoters bringing an appeal they shall give notice thereof by advertisement inserted in the *Dublin Gazette* and in the same newspaper or newspapers in which the advertisement required by Section I. of this Act was inserted by them. On any such appeal the Lord Lieutenant in Council shall, as far as may be requisite, take into consideration all such reports and documents and other things relative to the undertaking as were before the grand jury whose disapproval is appealed from, and shall hear in opposition to the appeal any such owner, lessee, occupier, company, person, or inhabitants as aforesaid.

See secs 5, 7, and 8, and notes, supra, as to appeals.

On definitive  
approval, Lord  
Lieutenant in  
Council to  
make Order.

XIII. Where the undertaking is definitively approved of by the only grand jury or by all the grand juries before whom the application comes, or all appeals against the disapproval of it are allowed, then and in every such case the Lord Lieutenant in Council shall settle and make an Order in Council, authorizing the making and maintaining of the tramway, subject and according to the provisions of this Act, by such persons or person or body corporate or company, in such manner, subject to such restrictions and provisions, and on such terms and conditions as shall be therein specified.

See secs. 15, 16, 17, and 18, *infra*, of this Act, as to the Order in Council; and see also secs. 2, 3, 10, *supra*, and sec. 23, subsec. 5, of the Act of 1883, p. 68.

See sec. 32 of this Act, p. 31, as to costs and charges in connection with Order in Council.

See next sec. as to effect of order.

Order to be  
confirmed by  
Act of Parlia-  
ment.

XIV. Thereupon, and on the promoters doing everything required to be done by them by any provision for securing the completion of the tramway applicable in their case, the Lord Lieutenant in Council shall, as soon as conveniently may be, procure all necessary steps to be taken for the confirmation of such Order in Council by Act of Parliament, and until such confirmation the Order shall have no effect whatever. The bill for any such Act shall be introduced on or before the 1st of June, and treated in all respects as a public bill. The Order to be confirmed by the bill shall be specified in a schedule to it, but shall not be set out at length therein. The promoters shall deposit, for the use of the Members of the Houses of Parliament respectively, so many copies of the Order in such offices of the Houses respectively as the Clerk of the Parliaments and the Speaker of the House of Commons respectively may from time to time direct.

See sec. 9 of the Act of 1861, p. 47, and sec. 6 of the Act of 1881, p. 53.

Where the Grand Jury has approved of the undertaking, and no appeal has been lodged, or if lodged, not proceeded with, and the Lord

Lieutenant has made an Order in Council, authorizing the construction of the line, no further authority by Act of Parliament shall be necessary ; but in other cases such authority would seem to be necessary.

XV. Where the promoters desire that a joint stock company shall be constituted for the execution of the undertaking, the Order authorizing the making of the tramway shall contain proper provisions, with apt terms, for uniting into a company for that purpose such persons as shall be named or referred to therein, being subscribers to the undertaking, and for incorporating them into a company, by an appropriate name, with perpetual succession and a common seal, and with power to purchase and hold land for the purpose of the undertaking, subject and according to the restrictions of this Act and of the Order.

If desired by promoters, company to be constituted by the Order.

XVI. Every such Order shall prescribe the amount of the share capital of the company (the same and every part thereof to be applied only in carrying into execution the objects and purposes of the Order), the number of the shares into which the capital shall be divided, the amount of each share, the amount and intervals of calls, and the maximum aggregate amount to be called within a certain time.

Order to prescribe capital, &c.

XVII. Any such Order may (where it seems to the Lord Lieutenant in Council expedient) empower the Company to borrow on mortgage or bond such money as in the Order shall be specified (the same and every part thereof to be applied only in carrying into execution the objects and purposes of the Order), and may provide, in such manner as may seem fit, for the payment of interest on and the discharge of the principal money borrowed, and for the appointment of a receiver on behalf of mortgagees : Provided always, that no such Order shall empower the company to borrow more money in the whole than one-third of the amount of their share capital, or to borrow any money whatever until the whole of their share capital is subscribed for, and one half of it is actually paid up, and they prove to the Justice who is to certify, under the provisions contained in the fortieth section of the Companies Clauses Consolidation Act, 1845, that all such capital has been subscribed for *bond fide*, and is held by subscribers or their assigns, and for which such subscribers or their assigns are legally liable.

Order may empower company to borrow, under restrictions.

XVIII. Every such Order shall prescribe the time within which the first general meeting of the shareholders shall be held, and may prescribe or provide for any such thing relating to the constitution, management, rights, powers, or duties of the company as is ordinarily prescribed or provided for in a special Act authorizing the construction of a railway and incorporating a company for that purpose.

Order to prescribe for management &c., of company.

XIX. Every such company, and no other, shall be deemed to be a tramway company within the meaning of this Act, and (subject to the other provisions of this Act) the Companies Clauses Consolidation Act, 1845, shall apply to every tramway company, and shall be incorporated with the Order constituting it, and

Railways Clauses Consolidation Act and others incorporated with Order in Council.

(subject as aforesaid) the Lands Clauses Consolidation Act, 1845, the Railways Clauses Consolidation Act, 1845, and the Railways Act (Ireland), 1851, shall apply to every tramway authorized by any Order (whether a tramway company is thereby constituted or not), and shall be incorporated with every such Order.

Construction of incorporated Acts with Order in Council.

XX. In the construction of the said Acts in connexion with any such Order—

The expression “the Special Act,” used in the said Acts, shall be taken to mean or apply to any such Order as and when confirmed by Act of Parliament ;

The expressions “the Undertaking” and “the Railway,” used in the said Acts, shall be respectively taken to mean or apply to the tramway and works by such Order authorized ;

The expression “the Company,” used in the said Acts, shall be taken to mean, as to the Companies Clauses Consolidation Act, 1845, a tramway company, and as to the said other Acts, the persons or person or body corporate or company authorized by any such Order to make a tramway ; and the said Acts shall be read as if the Board of Works were therein named instead of “the Board of Trade,” and as if *Dublin* were therein named instead of *London*.

Plan and section of authorized alterations to be deposited before tramway is begun.

XXI. It shall not be lawful for the persons authorized to make a tramway under this Act to begin to make the same without first depositing, in like manner as a plan and a section are hereinbefore required to be deposited, a plan and a section (prepared in like manner as the original plan and section) of all such alterations from the original plan and section as shall be authorized by the Order in Council, and without also first furnishing a duplicate thereof to the Board of Works.

See secs. 2 and 4, *supra*.

Plan and section furnished to Board of Works to be sufficient for purposes of 14 & 15 Vict., c. 70.

XXII. For the purposes of the application of the Railways Act (Ireland), 1851, to a tramway under this Act, any map, plan, book of reference, and section furnished to the Board of Works under this Act shall be sufficient, and the same shall be used and proceeded on in lieu of the maps or plans and schedules of lands, works, and names by the last-mentioned Act required. Such estimates, and such draft award, and copies thereof and of parts thereof, as are by the same Act required, shall be deposited in like manner as plans and other documents are hereinbefore required to be deposited, and not otherwise, and the terms of notice of deposit to be published under that Act shall be altered accordingly.

See sec. 19, *supra*.

Some provisions of incorporated Acts excepted.

XXIII. The provisions of the said Acts directing deposits to be made with clerks of the peace (except the provisions relative to access to the special Act) and with clerks of poor law unions and postmasters, and the provisions with respect to the crossing of roads and other interferences therewith (other than the provisions of the Railways Clauses Consolidation Act, 1845, sections LXV., LXVI., LXVII., and the provisions with respect to the

use of locomotive engines or other moving power, not being animal power, shall be excepted out of the incorporation hereinbefore made; and it shall be lawful for the Lord Lieutenant in Council, in and by any such Order, if the circumstances of the case appear so to require, to vary or except any of the provisions of any of the said Acts.

XXIV. Every tramway made under this Act shall be worked by animal power only, and shall (unless in any case the Order in Council otherwise provides) be constructed with iron rails or trams, and on the gauge of five feet three inches. Any such tramway may be authorized to be constructed wholly or partly along or across any post road, road now or formerly a turnpike road, public highway, street, square, market place, court, lane, alley, bridge, or quay, or other public thoroughfare, passage, or place whatsoever, on the level.

The Act of 1871, p. 48, provides that authority may be given under certain restrictions to use locomotive engines or other mechanical power. The maximum speed is to be three miles an hour in any town, elsewhere six miles an hour. Sec. 5 of the Act of 1881, p. 53, increases the maximum speed in towns to six miles an hour, elsewhere to ten miles an hour, and sec. 23, subsec. 5 of the Act of 1883, p. 68, increases the maximum to twelve miles an hour outside towns or villages.

Where the line is 30 feet from the centre of any public road, the limit as to speed is taken away altogether.

XXV. Any such Order in Council may prescribe the maximum tolls and rates of charge to be taken and made for passengers, animals, and things conveyed on the tramway, not exceeding the tolls and rates of charge specified in Schedule (B.) to this Act, and may make regulations for the calculation and charging thereof; and in the absence in any case of any special provisions for those purposes, or so far as any such special provisions shall not extend, the maximum tolls and rates of charge, and the regulations, shall be those specified in the same schedule.

See sec. 4 of the Act of 1881, p. 53, altering the rates of charge specified in schedule B.

XXVI. It shall be lawful for the Lord Lieutenant in Council, on the like proceedings and inquiry as are hereinbefore specified being taken and made, to make an Order authorizing the varying, extending, or enlarging of any tramway already authorized, and the maintenance of the tramway, as and when so varied, extended, or enlarged. No such Order shall have any effect until confirmed by an Act of Parliament, proceedings for the obtaining of which shall be taken in manner hereinbefore provided with respect to an original order for the making of a tramway.

By sec. 23, subsec. 2 of the Act of 1883, p. 67, the necessity of obtaining an Act of Parliament is dispensed with.

XXVII. It shall be lawful for the Lord Lieutenant in Council, by Order, when the circumstances of any case appear to render it expedient, to extend the time limited for the completion of a tramway, or to authorise the abandonment of all or any part of a tramway: provided always, that it shall not be lawful for the

Construction  
and gauge.

Maximum tolls  
and rates of  
charge, with  
Regulations, in  
Sched. (B.)

Tramway may  
be varied, en-  
larged, &c.

Time for com-  
pletion may be  
extended, or  
abandonment  
may be  
authorized.

Lord Lieutenant in Council to make any such Order without notice being given to the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in which the work or the part thereof intended to be abandoned is situate, or without notice being given to such other persons or authorities as the Lord Lieutenant in Council may think fit, or without hearing any person or authority concerned and desiring to be heard. No such order shall have any effect until confirmed by an Act of Parliament, proceedings for the obtaining of which shall be taken in manner hereinbefore provided with respect to an original Order for the making of a tramway.

The note to the last sec. is applicable to this one.

On abandonment, damage to be made good, and land taken to be used for highway purposes, or to go back to original owner.

XXVIII. Provided always, that any Order in Council authorizing the abandonment of a tramway, or any part thereof, shall be made and take effect subject to the following restrictions and conditions :

1. The Order shall contain such provisions as may appear expedient for compelling the owners of the tramway to make good any damage that may have been caused to any post road, turnpike road, public highway, street, square, market place, court, lane, alley, bridge, or quay, or other public thoroughfare, passage, or place, by or in consequence of the making of the tramway, or of the part thereof authorized to be abandoned (as the case may be) :
2. If, on the application for the Order, it is shown to the Lord Lieutenant in Council that all or any lands acquired by the owners of the tramway for the purposes thereof, or of the part thereof authorized to be abandoned (as the case may be), may with advantage be dedicated for highway purposes to the use of the public, and to that end be placed under the control of the grand jury, municipal corporation, body of commissioners, or other body having the control of the public roads in the county, city, borough, town corporate, place, or district where the lands are situate, the Order in Council shall contain such provisions in that behalf as may appear expedient :
3. In the absence of any such provisions, and so far as all or any such provisions shall not extend, the lands acquired by the owners of the tramway for the purposes thereof, or of the part thereof authorized to be abandoned (as the case may be), shall go to and vest in the person or persons from whom the same were acquired, his or their respective heirs, successors, executors, administrators, or assigns (according to the tenure of the lands), discharged from all estates, interests, and claims of the owners of the tramway, or any person claiming under them, and as if any Order authorizing the making of the tramway had never been made or confirmed, or as near thereto as circumstances will admit.

Deposit as security for

XXIX. Where the promoters are not an existing tramway company, and a tramway company is constituted by the Order in

Council authorizing the undertaking, and also where the promoters are an existing tramway company, but are not possessed of a tramway actually open for traffic, then and in every such case the promoters shall give security for the completion of the proposed tramway as follows :

1. Within forty-eight hours after the making of the Order they shall, with the privity of the Accountant-General of the Court of Chancery, either pay in his name into the Bank of *Ireland* a sum of money equal to one-twentieth part of the estimated cost of the undertaking, or deposit in his name in the Bank of *Ireland*, or transfer into his name there, Exchequer bills or other Government securities equivalent to that sum at the price at which such bills or securities were originally purchased by the promoters (to be proved by the broker's certificate of such purchase) :
2. Before making any such payment, deposit, or transfer, they shall obtain from the Clerk of Her Majesty's Privy Council in *Ireland* a warrant under his hand authorizing the same, and stating the title of the account to which such money, bills or securities, shall be placed, which warrant shall be sufficient authority to the said Accountant-General for permitting such payment, deposit, or transfer : Provided always, that in case of the Accountant-General's office being closed at the time when any such payment, deposit, or transfer is required, the same may be made and shall be received and acted on by the Bank of *Ireland* without his actual privity :
3. The Court of Chancery, on the petition in a summary way of the persons or person making such payment, deposit, or transfer, or the majority of such persons, or the survivors or survivor of them, hereinafter called the depositors or depositor, may order that any money so paid, or any interest or dividend accrued on any bills or securities so deposited or transferred, be invested in any such securities as the depositors or depositor may desire and the Court approve :
4. In the following cases, and not otherwise, the Court of Chancery, on the petition in a summary way of the depositors or depositor, shall order the money, bills or securities, so paid, deposited, or transferred, and any securities in which any investment may be made as aforesaid, and any interest or dividend accrued thereon respectively, to be paid or transferred to or into the names or name of the depositors or depositor : namely,
  - (1.) If an Act of Parliament confirming the Order in Council with respect to which such payment, deposit, or transfer is made does not pass in the session current at the date of the Order, or, if Parliament be not then sitting, then in the session beginning next after that date :



- (2.) If such an Act does so pass, and within the time limited for the completion of the tramway the company open it for traffic, or prove to the Board of Works that they have paid up one half of their share capital, and have expended for the purposes of the Order a sum equal to such half, or else execute a bond in twice the amount paid into the bank, or represented by the deposit or transfer aforesaid, conditioned for payment to Her Majesty, her heirs or successors, of that amount, in the event of their failing either to open the tramway for traffic, or to give such proof as aforesaid, within the time limited for the completion of the tramway (such bond to be prepared to the satisfaction of and deposited with the Board of Works, and to be made with a surety or sureties approved of by the Board of Works):
5. If an Act confirming the Order passes as aforesaid, and the time limited for completion of the tramway expires before it is opened for traffic, or before such proof as aforesaid is given, then the money, bills, or securities paid, deposited, or transferred, and any securities in which any investment may have been made as aforesaid, and any interest or dividend accrued thereon respectively, or the monies secured by any bond given as aforesaid (as the case may be), shall, immediately on the expiration of the time so limited, be forfeited to Her Majesty, and be paid or transferred by the officer or person in whose name the same shall then be standing, or by whom the same may be recovered and received, to the account of Her Majesty's Exchequer, and shall then be carried to and form part of the Consolidated Fund of the United Kingdom:
6. The certificate of the Board of Works that a confirming Act of Parliament has or has not passed as aforesaid, or that the tramway has or has not been opened for traffic, or that such proof or such bond as aforesaid has or has not been given, shall be conclusive evidence thereof:

By sec. 23, subsec. 4, of the Act of 1883, p. 68, the words "fourteen days" shall be substituted for the words "forty-eight hours" on the first foregoing subsec.

Deposit where  
time extended.

XXX. Where an Order in Council authorizes an existing tramway company, being possessed of a tramway actually open for traffic, to make another tramway, or extends the time limited for the completion by a tramway company of their tramway, then and in every such case the Order shall provide that after the expiration of a time thereby limited (not exceeding in the former case five and in the latter case three years from the passing of the confirming Act) the payment of dividend on the company's ordinary capital shall be suspended until the tramway to which the Order relates is opened for traffic.

XXXI. Where the provisions of either of the two last preceding sections are not applicable, the Lord Lieutenant in Council shall make such other provision as may seem fit for securing the completion of the tramway within the time limited.

In other cases other security for completion to be taken.

XXXII. All costs, charges, and expenses necessarily incurred in connexion with the making of any such Order in Council, or any proceeding preliminary thereto, shall be paid by the promoters, and all other costs, charges, and expenses shall be in the discretion of the Lord Lieutenant in Council.

Expenses to be paid by promoters.

XXXIII. For the purposes of any application made or intended to be made under this Act, it shall be lawful for the county surveyor, his assistants, servants, and workmen, and also for the promoters, their engineers, surveyors, agents, servants, and workmen, at all reasonable times, and causing as little inconvenience as may be, to enter on any lands in or near the line of the proposed tramway (not being lands which cannot be authorized to be taken under this Act for the purposes of a tramway, without the consent in writing of the owner thereof), and to survey or otherwise examine the same, and to dig or bore therein; provided that he or they first obtain authority so to do in writing under the hand of a Justice of the Peace at petty sessions in and for the district where the lands are situate, such Justice not having any pecuniary interest in the undertaking. The promoters shall also make full compensation for any damage caused under this provision, the amount of such compensation to be fixed by two or more Justices of the Peace at petty sessions in and for the same district (whose Order shall be conclusive), and to be recovered as any compensation money for lands taken by the promoters is recoverable.

Power to promoters and county surveyor to enter and survey.

XXXIV. No deposit required by this Act shall be of any effect if made on a *Sunday*; and any deposit made after eight o'clock in the evening of any week day but *Saturday* shall be deemed to be made on the following day, and if made after that hour on a *Saturday* shall be deemed to be made on the following *Monday*.

Rules as to deposits.

XXXV. The secretary of a grand jury and clerk of union shall make a memorandum in writing on every document deposited with him under this Act, showing the time of deposit, and shall permit any person to inspect and examine the same at all reasonable hours and during a reasonable time, and to make copies of or extracts from it.

Secretary of Grand Jury, &c., to permit inspection, &c.

XXXVI. Everything required to be done under this Act by the grand jury of a county shall be deemed to be a part of their fiscal business; and all enactments for the time being in force respecting the fiscal concerns of a county, or the fiscal business to be transacted by a grand jury, before or at any Assizes, shall apply to everything done by a grand jury under this Act, so far as the same enactments shall be applicable thereto.

Proceedings of Grand Jury to be part of fiscal business.

XXXVII. With respect to the county of *Dublin* and the county of the city of *Dublin*, for the purposes of this Act, two successive presenting terms for those counties respectively shall be in the place of the summer and spring assizes for other counties, and the times at which notices shall be given, deposits

Counties of Dublin and of city of Dublin.

made, and other proceedings taken shall be from time to time regulated by general rules made in manner hereinafter provided.

The Act 39 & 40, chap. 65, p. 50, regulates the proceedings when the line lies within the city or county of Dublin.

Tramway in  
city or town.

XXXVIII. Where a proposed tramway lies wholly or partly in a city, borough, or town corporate, or other place or district in which the public roads are not under the control of the grand jury of the county within which such city, borough, town corporate, place, or district is locally situate, then and in every such case, for the purposes of this Act, the grand jury of the county of the city or county of the town, municipal corporation, town or other commissioners having the control of the public roads in such city, borough, town corporate, place, or district, or other body having such control, or in case all such public roads are not under the control of any one such body then each such body as to the public roads under its control, shall be in the place of the grand jury of the county, with all the like rights, powers, and duties; and the secretary, town clerk, clerk, or other like officer of any such body shall be in the place of the secretary of the grand jury of a county, with all the like rights, powers, and duties; and (except as to the county of the city of *Dublin* which is hereinbefore provided for) meetings of each such body shall be held for the purposes of this Act at times as nearly as may be corresponding with the respective times of the summer and spring assizes for the county within which such city, borough, town corporate, place, or district is locally situate:

Provided always, that the power of any such body (including the municipal corporation of the city of *Dublin*) to approve or disapprove of any undertaking shall be subject to the following restrictions:

1. Such approval or disapproval shall have no effect unless it is determined on by a majority of not less than two-thirds of such members of the body as shall be present at a meeting of the body specially summoned by notice in writing, specifying the time and place and object of the meeting, delivered at the usual or last known place of abode of each member of the body seven clear days at least before the day of the meeting:
2. Any five members of the body dissenting from the approval of any undertaking may, within one month after such approval, appeal against the same to the Lord Lieutenant in Council, and on any such appeal being brought such notice shall be given by advertisement or otherwise, and such persons shall be heard in support of and in opposition to the appeal, as shall be from time to time directed by general rules made in manner hereinafter provided:

Provided also, that where in any such city, borough, town corporate, place, or district the public roads or any of them shall, by virtue of any special agreement or by usage or otherwise, be in fact under the control of a body not being the body in law having or entitled to have such control, then and in every such case

for the purposes of this Act, the body in fact having such control shall be deemed to be the body to which the present provision applies.

Sec. 8 of the Act of 1883, p. 60, contains a similar provision in so far as that Act is particularly concerned.

XXXIX. Where any tramway shall be made through any city or town, it shall not be lawful to alter the level of any street therein without the consent of two-thirds of the owners of the houses adjoining the same, or in such a manner as to prevent convenient access to all the houses adjoining such street, and in no case shall the level be altered more than four feet; and when any street shall be so raised or sunk, the whole of the surface of the roadway of such street shall be brought by the promoters to the same level, unless it shall appear to the Board of Works that such alteration is objectionable.

As to altering level of streets when tramways pass through towns.

XL. If any member of a grand jury, municipal corporation, or body of commissioners, or other body having the control of the public roads in any county, city, borough, town corporate, place, or district, shall be also the promoter or owner or one of the promoters or owners, or a member or shareholder of a tramway company being the owners, of a tramway lying wholly or in part within such county, city, borough, town corporate, place, or district, it shall not be lawful for him to vote on or otherwise act in relation to any question directly or indirectly concerning such tramway or tramway company; but no member or shareholder of a tramway company shall be disqualified from being a member of any such municipal corporation, body of commissioners, or other body as aforesaid by reason of any contract entered into between the tramway company and such municipal corporation, body of commissioners, or other body: provided always, that nothing hereinbefore contained shall be deemed to render invalid any resolution or act of a grand jury, municipal corporation, body of commissioners, or other body as aforesaid on or in relation to which any person shall be found to have voted or acted contrary to this enactment.

Persons interested in tramways not to vote, but not to be disqualified.

XLI. Where any part of a tramway is proposed to be made on tidal lands within the flow of ordinary spring tides, the promoters shall, on or before the first day of May in the year in which their application is begun, deposit with the Secretary of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral, a copy of so much of the plan and section aforesaid as relates to such tidal lands. The Board of Works, in the course of their public inquiry, shall inquire whether or not the last-mentioned requirement has been complied with, and shall take into consideration any communication that the Lord High Admiral or Commissioners may think fit to make to the Board of Works respecting such tidal lands, and shall in their report respecting the undertaking refer to such communication, and state any recommendation that they may think fit to make in consequence thereof. The Preliminary Inquiries Act, 1851, shall apply, *mutatis mutandis*, in respect of any application for an Order in Council

Promoters of tramways on tidal lands to deposit map at the Admiralty.

under this Act, as if the same were an application to Parliament for such a Bill as is in that Act mentioned.

Lands not to be taken without owner's consent, except lands adjoining to public roads.

XLII. Nothing in this Act, or in any Order under it, shall be deemed to authorize any lands to be taken for the purposes of the undertaking without the consent in writing of the owner thereof, except such lands as may be not more than thirty feet distant at any point on a line drawn horizontally from the centre of some post road, turnpike road, public highway, bridge, or quay.

Demesnes, &c., not to be taken without owner's consent.

XLIII. Nothing in this Act, or in any Order under it, shall be deemed to authorize to be taken for the purposes of the undertaking any mansion-house, or house wholly built of stone or brick, with lime, or any of the outbuildings or offices thereof, or any part of any yard, haggard, garden, orchard, or plantation attached or belonging thereto, or any part of any deer park or other park or demesne, or planted or ornamental walk, drive, approach, or avenue, or of any ground ornamentally planted, or of any lawn or bleach green, without the consent in writing of the owner thereof respectively, although the same may lie within such limited distance as in the last preceding section is mentioned.

Owners of sewers, &c., not to be impeded from access.

XLIV. Nothing in this Act, or in any Order under it, shall be deemed to empower the owners or promoters of a tramway to impede, at any time, the owners of any sewer, drain, main, or pipe from having access to the same for the purpose of cleansing, repairing, removing, adding to, or amending it, or to give the owners or promoters of a tramway any claim for compensation or damages for or by reason of any unavoidable injury to or for any temporary stoppage of the tramway that may be necessary for or in the execution of any such cleansing, repair, removal, addition, or amendment.

Lord Lieutenant in Council may make general rules for execution of this Act.

XLV. It shall be lawful for the Lord Lieutenant in Council, by Order, to make from time to time such general rules as may seem fit for the effectual execution of this Act, and the regulation of the procedure on appeals, and on inquiries by the Board of Works, and generally of all proceedings under this Act, and also for fixing the amount of any fees, and the allowance, taxation, and payment of any costs, charges, and expenses to be taken, allowed, and paid under this Act, and for the remuneration of any county surveyor, engineer, surveyor, or other person employed in the execution of this Act under the direction or authority of a Grand Jury or of the Board of Works or otherwise, and from time to time to revoke or amend any such rules; but no such rules shall have any effect until the expiration of one month after the same shall have been published in the *Dublin Gazette*, and laid before both Houses of Parliament.

No such regulations have been made.

General Railway Acts in Sched. (C.) to apply to tramways.

XLVI. The Acts specified in Schedule (C.) to this Act shall, as far as circumstances will admit, and as far as those Acts are not inconsistent with this Act, apply to Tramways under this Act. For the purposes of those Acts, a tramway under this Act shall be deemed to be a railway (although the moving power is animal

only), and the word "Company" in any of those Acts shall be deemed to mean the owners of a tramway under this Act (whether a company or not), and the Board of Works shall be deemed to be in the place of the Lords of the Committee of Her Majesty's Privy Council appointed for trade and foreign plantations, and with respect to the Constabulary, the Inspector General of Constabulary shall be deemed to be in the place of the Secretary-at-War, in any of those Acts mentioned: Provided always, that with respect to tramways under this Act, such rates of speed as the Board of Works may from time to time direct shall be deemed to be substituted in Sections VI. and XI. of the Act fourthly in the same schedule specified for the rates therein respectively mentioned or referred to.

XLVII. Nothing in this Act, or in any Order under it, shall be deemed to exempt any tramway from the provisions of any future general Act relating to tramways or tramway companies, or their accounts, or from any future revision or alteration, under authority of Parliament, of the maximum tolls or rates of charge authorized by this Act, or any Order under it.

XLVIII. Provided always, that if at any time it shall appear to the Lord Lieutenant in Council to be expedient that any provision that may be hereafter adopted in the Standing Orders of either House of Parliament relative to private bills should be applied to tramways or proceedings under this Act, it shall be lawful for the Lord Lieutenant in Council, by order, to apply such provision accordingly in such manner as may seem fit, notwithstanding that the same may be inconsistent with any of the regulations contained in the schedules to this Act, and from time to time to revoke or amend any such Order; but no such Order shall have any effect until the expiration of one month after the same shall have been published in the *Dublin Gazette*, and laid before both Houses of Parliament.

XLIX. In this Act—

The expression "the Lord Lieutenant in Council" means the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, by and with the advice of Her Majesty's Privy Council in *Ireland*.

The word "county" includes any riding or division of a county for which riding or division separate assizes are held, but not a county of a city or county of a town;

The word "lands" includes lands, houses, buildings, and hereditaments of any tenure;

The word "owner," used with reference to lands, means any person who, under the provisions of any Order in Council made under this Act, is enabled to sell and convey lands to the owners of a tramway;

And the words "persons" and "person" shall (unless there be something repugnant in the subject or context) be construed to include a body corporate or a company.

L. This Act shall extend to *Ireland* only, and may be cited as "The Tramways (*Ireland*) Act, 1860."

Tramways not exempted from future general Acts.

Order in Council may apply amended Standing Orders.

Interpretation of terms.

Extent of Act. Short title.

## SCHEDULES.

## SCHEDULE (A).

## PART I.

*Notices by Advertisement.*

## 1. Every advertisement shall state—

- (1) The objects of the intended application :
- (2) The description of the termini, with the names of the parishes, townlands, townships, and extra-parochial places from, through, or into which the tramway is intended to be made :
- (3) The times and places at which the deposit required by Section II. of this Act will be made :
- (4) The intention of the promoters (if they intend) to apply for powers for the compulsory purchase of lands.

2. The whole notice shall be included in one advertisement, which shall be headed with a short title descriptive of the undertaking.

3. The advertisement shall be inserted in three successive weeks in some one and the same newspaper of the county in which the lands to which the application relates are situate, or if there be none, then in a newspaper of some adjoining or neighbouring county. Where the application relates to lands situate in more than one county, the advertisement shall be inserted once in each of three successive weeks in a newspaper published at least twice a week in Dublin, and in a newspaper of the county in which is the principal office of the promoters, and in a newspaper of every county in which any new work is proposed to be executed, or in which any lands are situate in respect of which any new or further powers for the completion of works already authorized are intended to be applied for.

4. The advertisement shall in all cases be also inserted once in the *Dublin Gazette*.

## PART II.

*Form in which Plans, Books of Reference, Sections and Cross Sections, shall be prepared.**Plan.*

1. Every plan required to be deposited shall be drawn to a scale of not less than four inches to a mile, and shall describe the line or situation of the whole of the work (no alternative line or work being in any case permitted), and the lands in or through which it is to be made, maintained, varied, extended, or enlarged, or through which every communication to or from the work shall be made; and where it is the intention of the parties to apply for powers to make any lateral deviation from the line of the proposed work, the limits of such deviation shall be defined upon the plan, and all lands included within such limits shall be marked thereon; and unless the whole of such plan shall be upon a scale of not less than a quarter of an inch to every one hundred feet an enlarged plan shall be added of any building, yard, courtyard, or land within the curtilage of any building, or of any ground cultivated as a garden either in the line of the proposed work or included within the limits of the said

deviation, upon a scale of not less than a quarter of an inch to every one hundred feet.

2. The plan shall exhibit thereon the distances in miles and furlongs from one of the termini; and a memorandum of the radius of every curve, not exceeding one mile in length, shall be noted on the plan in furlongs and chains; and where tunnelling, as a substitute for open cutting, is intended, such tunnelling shall be marked by a dotted line on the plan.

3. If it be intended to divert, widen, or narrow any turnpike road, public carriage road, navigable river, canal, tramway, or railway, the course of such diversion, and the extent of such widening or narrowing, shall be marked on the plan.

#### *Book of Reference.*

4. The book of reference to every such plan shall contain the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of all lands in the line of the proposed work, or within the limits of deviation as defined upon the plan, and shall describe such lands.

#### *Section.*

5. The section shall be drawn to the same horizontal scale as the plan, and to a vertical scale of not less than one inch to one hundred feet, and shall show the surface of the ground marked on the plan, the intended level of the proposed work, the height of every embankment and the depth of every cutting, and a datum horizontal line, which shall be the same throughout the whole length of the work or any branch thereof respectively, and shall be referred to some fixed point (stated in writing on the section) near either of the termini.

6. The line of the tramway marked on the section shall correspond with the upper surface of the trams.

7. Distances on the datum line shall be marked in miles and furlongs to correspond with those on the plan; a vertical measure from the datum line to the line of the tramway shall be marked in feet and inches, or decimal parts of a foot, at each change of the gradient or inclination; and the proportion or rate of inclination between each such change shall also be marked.

8. Wherever the line of the tramway is intended to cross any turnpike road, public carriage road, navigable river, canal, tramway, or railway, the height of the tramway over or depth under the surface thereof, and the height and span of every arch of all bridges and viaducts by which the tramway will be carried over the same, shall be marked in figures at every crossing thereof; and where the tramway will be carried across any such turnpike road, public carriage road, tramway, or railway on the level thereof, such crossing shall be so described on the section, and it shall also be stated if such level will be unaltered.

9. If any alteration be intended in the water level of any canal, or in the level or rate of inclination of any turnpike road, public carriage road, tramway, or railway, which will be crossed by the line of tramway, then the same shall be stated on the section, and each alteration shall be numbered; and cross sections, in reference to the said numbers, on a horizontal scale of not less than one inch to every three hundred and thirty feet, and on a vertical scale of not less than one inch to every forty feet, shall be added, which shall show the present surface of such canal, road, tramway, or railway and the intended surface thereof when



altered; and the greatest of the present and intended rates of inclination of such road, tramway, or railway, shall also be marked in figures thereon; and where any public carriage road is crossed on the level, a cross section of such road shall also be added, and all such cross sections shall extend for two hundred yards on each side of the centre line of the tramway.

10. Wherever the extreme height of any embankment or the extreme depth of any cutting shall exceed five feet, the extreme height over or depth under the surface of the ground shall be marked in figures upon the section; and if any bridge or viaduct of more than three arches shall intervene in any embankment, or if any tunnel shall intervene in any cutting, the extreme height or depth shall be marked in figures on each of the parts into which such embankment or cutting shall be divided by such bridge, viaduct, or tunnel.

11. Where tunnelling, as a substitute for open cutting, or a viaduct as a substitute for solid embankment, is intended, the same shall be marked on the section.

12. Every plan and section shall be signed by the engineer of the promoters.

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### PART III.

#### *Notices to Owners, Lessees, and Occupiers of Lands.*

1. The notice required to be given by Section III. of this Act shall be given in respect of all lands intended to be taken, or which may be taken as being within the limits of deviation defined upon the plan, and shall be as nearly as may be in the form set forth in the Appendix marked (A.)

2. Such notice shall be given by being delivered personally to every person to whom the same is to be given, or by being left at his usual or last known place of abode, or, in his absence from the United Kingdom, with his agent, on or before the first day of May, or by being forwarded by post in a registered letter, addressed with a sufficient direction to his usual place of abode, and posted on or before the twenty-eighth day of April at the chief Post Office in Dublin, Belfast, Cork, or Athlone, at such hours and according to such regulations as Her Majesty's Postmaster-General shall from time to time appoint for the posting and registration of such letters.

3. In all cases the written acknowledgment of the person applied to shall, in the absence of other proof, be sufficient evidence of a notice having been given, and in case of a notice having been forwarded by post in a registered letter, the production of the Post Office receipt for such letter, duly stamped, in such form as the Postmaster-General shall appoint, shall be sufficient evidence of the due delivery of such letter; provided it appear that the same was properly and sufficiently directed, and was not returned by the Post Office as undelivered.

4. Except in the case of delivery of letters by post, a notice served on a Sunday shall be of no effect, and a notice served after eight o'clock in the evening of any week day but Saturday shall be deemed to be served on the following day, and if served after that hour on a Saturday shall be deemed to be served on the following Monday.

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## APPENDIX (A) to PART III.

[Form referred to in Regulation 1.]

No.——

SIR,

We beg to inform you, that application is intended to be made to the Lord Lieutenant in Council, through the [Grand Jury of the county of \_\_\_\_\_, *or as the case may be*], at the ensuing [Summer Assizes, *or as the case may be*], for an Order in Council [*here insert a short statement of the objects of the proposed order*], and that the property mentioned in the annexed schedule, or some part thereof, in which we understand you are interested as therein stated, will be required for the purposes of the said undertaking, according to the line thereof as at present laid out, or may be required to be taken under the usual powers of deviation to the extent of \_\_\_\_\_ yards on either side of the said line which will be applied for, and will be passed through in the manner mentioned in such schedule.

We also beg to inform you, that a plan and section of the said undertaking, with a book of reference thereto, have been or will be deposited with the [Secretary of the Grand Jury of the said county, *or as the case may be*], on or before the \_\_\_\_\_ of \_\_\_\_\_, on which plan your property is designated by the numbers set forth in the annexed schedule.

As we are required to report whether you assent to or dissent from the proposed undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your answer of assent, dissent, or neutrality in the form left herewith, and returning the same to us with your signature or: or before the \_\_\_\_\_ day of \_\_\_\_\_ next; and if there should be any error or misdescription in the annexed schedule, we shall feel obliged by you informing us thereof, at your earliest convenience, that we may correct the same without delay.

We are, sir,

Your most obedient servants,

To

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NOTE.—If the application be forwarded by post, the words "Parliamentary Notice" are to be printed or written on the cover.

[SCHEDULE.]

SCHEDULE referred to in the foregoing Notice, describing the Property therein alluded to, and the manner in which the Line of the proposed Work, as delineated upon the Plan and Section, will affect the same.

—	Parish, Township, Townland, or Extra-Parochial Place.	Number on Plan.	Description.	Owner.	Lessee.	Occupier.	Description of the Section of the Line deposited, showing the greatest Height of Embankment and Depth of Cutting where the Property is intersected by the centre Line of the proposed Work.
Property in the Line of the proposed Work, as at present laid out (including property any part of which is within eleven yards, or thereabouts, of the centre Line of such proposed Work, as delineated upon the Plan).							
—	Parish, Township, Townland, or Extra-Parochial Place.	Number on Plan.	Description.	Owner.	Lessee.	Occupier.	
Property within the limits of the deviation intended to be applied for.							

*Note.*—Where the property is not intersected by the centre line, the description of the section is not given in the last column.

## PART IV.

*List of Owners, &c., assenting, dissenting, and neuter.*

Separate lists shall be made of the names of the owners or reputed owners, lessees or reputed lessees, and occupiers, to whom notice has been given, distinguishing those who have assented, dissented, or are neuter in respect of such notice, or who have returned no answer thereto; and where no written acknowledgment has been returned to a notice sent by post, or where a notice by post has been returned as undelivered, the direction of the letter in which the notice was sent shall be inserted in the lists.

## PART V.

*Public Inquiry by Board of Works.\**

1. The Board of Works shall direct their attention especially to the following heads of inquiry, and shall require evidence from the promoters thereon; namely,—

- (1.) The financial arrangements made or proposed by the promoters:
- (2.) Where the promoters propose that a company should be incorporated by Order in Council for the execution of the undertaking, the number and amount of shares actually subscribed for or agreed to be taken, and the amount of share capital and of loans proposed to be authorized;
- (3.) The sufficiency of the estimate for the works:
- (4.) The merits, in an engineering point of view, of the proposed tramway; the character of the gradients and curves; the number and extent of the tunnels, if any; the crossings or other user of public roads on the level; and any peculiar engineering difficulties, with the modes proposed for overcoming them:
- (5.) The degree of favour or objection with which the project is regarded by the landowners and others in the neighbourhood of the proposed tramway.

2. The Board of Works shall hear in opposition to the undertaking any such owner, lessee, occupier, company, person, or inhabitant as is or are entitled to be heard under the provisions of this Act before a Grand Jury.

3. The Board of Works may call for the production of any documents in the possession or power of the promoters, or of any company or person admitted to be heard in opposition to the undertaking, which the Board of Works may think necessary, and may examine any such person and his witnesses, and the witnesses for any such company and for the promoters, on oath or otherwise, and administer any oath or declaration necessary for that purpose.

\* By sec. 7 of the Act of 1861, p. 47, the inquiry by the Board of Works is to be confined to the merits of the undertaking from an engineering point of view.

## (SCHEDULE B.)

*Maximum Tolls and Rates of Charge, with Regulations.*

## PASSENGERS

1. The maximum rates of charge to be made by the owners of the tramway for the conveyance of passengers thereon, including the tolls for the use of the tramway and of carriages, and cost of moving power, and every other expense connected with such conveyance, shall be—

For every passenger conveyed in a first-class carriage, the sum of two-pence per mile :

For every passenger conveyed in a carriage of inferior class, the sum of one penny halfpenny per mile.

2. The forgoing restrictions shall not extend to any special trains that may be required to run on the tramway, but shall apply only to the express and ordinary trains appointed from time to time by the owners for the conveyance of passengers and goods on the tramway.

3. Every passenger travelling on the tramway may take with him his ordinary luggage, not exceeding one hundred pounds in weight for first-class passengers and sixty pounds in weight for passengers of inferior class, without any charge being made for the carriage thereof.

## GOODS.

4. Subject to the provisions hereinafter contained respecting small parcels and single articles of great weight, the tolls to be taken by the owners of the tramway in respect of the tonnage of all articles conveyed in carriages thereon or on any part thereof, shall be—

*(Class 1.)*

For dung, and all sorts of manure, chalk, and all undressed materials for the repair of roads or highways :

For all coals, coke, culm, ironstone, and iron ore :

For all charcoal, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand :

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise):

Not exceeding for the use of the tramway one penny\* per ton per mile :

If conveyed in carriages provided by the owners of the tramway, an additional sum per ton per mile not exceeding one-eighth of a penny :

If drawn or propelled by power provided by the owners of the tramway, a further sum per ton per mile not exceeding three-eighths of a penny.

*(Class 2.)*

For all other goods, wares, merchandise, articles, matters, or things (except carriages, hereinafter otherwise provided for), not exceeding for the use of the tramway twopence per ton per mile :

If conveyed in carriages provided by the owners of the tramway, a further sum per ton per mile not exceeding one halfpenny :

If drawn or propelled by power provided by the owners of the tramway, a further sum per ton per mile not exceeding one halfpenny.

\* By sec. 4 of the Act of 1881, p. 53, the words "three pence" are to be substituted for the words "one penny."

*(Class 3.)*

For every carriage, of whatever description (not being a carriage adapted and used for travelling on a tramway, and not weighing more than one ton), not exceeding for the use of the tramway sixpence per ton per mile, and the sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton above one ton which any such carriage may weigh :

If any such carriage be conveyed on a truck or platform provided by the owners of the tramway, an additional sum per mile not exceeding twopence :

If drawn or propelled by power provided by the owners of the tramway, a further sum per mile not exceeding twopence.

*ANIMALS.*

5. The tolls to be taken by the owners of the tramway in respect of animals conveyed in carriages on the tramway shall be,—

*(Class 4.)*

For every horse, mule, ass, or other beast of draught or burden, ox, cow, bull, or head of neat cattle, conveyed in or upon any such carriage, not exceeding for the use of the tramway threepence per mile :

If conveyed in or upon any carriage provided by the owners of the tramway, an additional sum per mile not exceeding one penny :

If such carriage be drawn or propelled by power provided by the owners of the tramway, an additional sum per mile not exceeding twopence.

*(Class 5.)*

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, not exceeding for the use of the tramway one penny per mile :

If conveyed in any carriage provided by the owners of the tramway, an additional sum per mile not exceeding one farthing :

If such carriage be drawn or propelled by power provided by the owners of the tramway, an additional sum per mile not exceeding twopence.

6. The maximum rate of charge to be made by the owners of the tramway for the conveyance of animals, articles, matters, or things respectively included in the classes before mentioned, including the tolls for the use of the tramway, and of carriages, and cost of moving power, and every other expense connected with such conveyance, shall not exceed the amounts following :

For the matters mentioned in Class 1, not exceeding one penny half-penny\* per ton per mile :

For the matters mentioned in Class 2, not exceeding threepence per ton per mile :

For any carriage mentioned in Class 3, not weighing more than one ton, not exceeding tenpence per mile, and if weighing more than one ton, not exceeding twopence per mile for every quarter of a ton or fractional part of a quarter of a ton additional :

For everything mentioned in Class 4, not exceeding sixpence per mile :

For everything mentioned in Class 5, not exceeding threepence farthing per mile :

\* By sec. 4 of the Act of 1851, p. 53, the words "three pence" are to be substituted for the words "one penny."

Provided always, that it shall be lawful for the owners of the tramway to demand and take, in addition to the tolls and rates of charge hereinbefore authorized, a reasonable sum for the delivery and collection of goods and other services incidental to the business of a carrier where such services respectively shall be performed by the owners of the tramway otherwise than on the premises of the tramway.

7. The following provisions and regulations shall be applicable to the calculation of the tolls :

For passengers, animals, or things conveyed on the tramway for a less distance than four miles the company may demand tolls as for four miles :

For a fraction of a mile beyond four miles or beyond any greater number of miles the company may demand tolls on merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile ; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the company may demand toll according to the number of quarters of a ton in the fraction, and if there be a fraction of a ton the fraction shall be deemed a quarter of a ton :

With respect to all things, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

8. With respect to small parcels and single articles of great weight, the owners of the tramway may lawfully demand for the carriage thereof on the whole or any part of the line the tolls following :

#### SMALL PARCELS.

For any parcel not exceeding seven pounds in weight, sixpence :

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, ninepence :

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, one shilling :

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, one shilling and sixpence :

For parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight, such reasonable sum as the owners of the tramway may think fit :

Provided always, that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

#### SINGLE ARTICLES OF GREAT WEIGHT.

For the carriage of any one boiler or cylinder, or any one piece of Machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed three tons, the owners of the tramway may demand such sum as they think fit.

9. Nothing herein contained shall be held to prevent the owners of the tramway from taking any increased charge, over and above the charges

hereinbefore limited, for the conveyance of goods of any description, by agreement with the owners of and persons in charge of such goods, either in respect of the conveyance of such goods, except small parcels, by passenger or other trains, or by reason of any other special service performed by the owners of the tramway in relation to such goods.

### SCHEDULE (C).

*General Acts relating to Railways by this Act made applicable to Tramways.*

—	Session and Chapter.	Title.
1	1 & 2 Vict., c. 98,* . . .	An Act to provide for the Conveyance of the Mails by Railways.
2	3 & 4 Vict., c. 97, . . .	An Act for regulating Railways.
3	5 & 6 Vict., c. 55, . . .	An Act for the better regulation of Railways, and for the Conveyance of Troops.
4	7 & 8 Vict., c. 85, . . .	An Act to attach certain conditions to the construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other purposes in relation to Railways.
5	17 & 18 Vict., c. 31, . . .	The Railway and Canal Traffic Act, 1854.

\* As amended by 10 & 11 Vict., c. 85, s. 16.

### TRAMWAYS (IRELAND) ACT AMENDMENT.

24 & 25 VICT., CAP. 102.

An Act to amend the Tramways (Ireland) Act, 1860.

[6th August, 1861].

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to facilitate internal Communication by means of Tramroads or Tramways*: And whereas some of the provisions of the said Act have been found to cause unnecessary expense and delay, and it is expedient to amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say),

1. The said recited Act shall be continued and be in full force except when the same shall be altered or amended by or be inconsistent with the provisions of this Act, and the recited Act and this Act shall be read together as one Act.

Act recited and this Act to be read together.

2. It shall not be necessary for the Grand Jury in future to pronounce a provisional approval of the undertaking, but the

One approval by Grand Jury to be sufficient.



Grand Jury in proceeding under the fifth section of the said recited Act shall definitively approve or disapprove of the said undertaking at the first assizes at which the same shall be brought before them, and it shall not be necessary to obtain any further or other approval from the Grand Jury at any subsequent assizes.

See, sec. 5 of the Act of 1860, p. 21.

Applications at  
Spring or Sum-  
mer Assizes.

3. The application to the Grand Jury for their approval may be made either at the Spring or Summer Assizes.

See sec. 5 of the Act of 1860, p. 21.

Notices to be  
given for  
Spring Assizes.

4. In case the application is made at the Spring Assizes, the advertisements required by the first section of the said Act shall be published in the months of *November* or *December* or either of them immediately preceding, and the deposits required by the second and fourth sections of the said Act shall be made on or before the first and twelfth day of *December* respectively, and the notices required by the third section shall be given on or before the second day of *December*.

See pp. 19 and 20 for the secs. referred to in foregoing section, and the notes thereto.

See also sec. 23, subsec. 3 of the Act of 1883, p. 68, giving Lord Lieutenant power to vary times for advertising, serving notices, and making deposits, in so far as proceedings under that Act are concerned.

Approval of  
Grand Jury  
may be tra-  
versed.

5. Any person entitled to appear on the inquiry before the Grand Jury may, in the case of their approval of the undertaking, traverse such approval, subject to and under the following regulations :—

Such traverse shall be entered with the Clerk of the Crown not later than twelve o'clock on the day following the approval of the Grand Jury ;

It shall be on either of the following grounds :—

First. That the preliminaries required by law for the application to the Grand Jury have not been complied with ;

Second. That the construction of the undertaking according to the plan approved of by the Grand Jury would not be beneficial to the public ;

In case of a traverse on the first ground, same shall be disposed of by the Judges of Assize, or one of them, after hearing such evidence as may be adduced ;

In case of a traverse on the second ground, same shall be tried in all respects as issues joined in the Superior Courts of Common Law are or may be triable by law at such assizes ;

The Judges of Assize, or one of them, may, if it shall appear fit, direct such traverse to be tried by a special jury ;

In case more persons than one shall enter a traverse on the second ground, there shall be one trial of all such traverses, and the judge shall make such order as may seem fit for the conducting of such trial, and the appearance and intervention of the several traversers thereat ;

Every traverse under this Act shall be determined or tried at the same assizes at which it is entered, and in case the judge

shall rule or the jury find in favour of such traverse, as the case may be, the approval of the Grand Jury shall be void and of no effect;

Every traverse on the first ground shall be confined to the specific points mentioned by the traverser in his memorial lodged with the secretary of the Grand Jury, and the particular points of non-compliance complained of shall be also stated in such traverse.

See notes to sec. 5 of Act of 1860, p. 21, also note provision for traverse in sec. 4 of Act of 1876, p. 51.

6. The inquiry by the Board of Works directed by the ninth section of the said Act shall take place before any application is made to the Grand Jury, in order that their report shall be submitted to the Grand Jury at the first application, and the Board of Works shall institute such inquiry upon the request of the promoters, and upon having deposited with them a reasonable sum, not in any case exceeding one hundred pounds, to cover the expenses of such inquiry.

*Inquiry by Board of Works in the first instance.*

See sec. 9 of Act of 1860, p. 23.

7. The inquiry to be made by the Board of Works, and the report to be made thereon, shall extend only to the merits of the undertaking in an engineering point of view, and to any modification of the same in that respect which may be advantageously made.

*To be confined to engineering questions.*

8. Instead of constituting a new company under the fifteenth section of the said Act, the Lord Lieutenant in Council may, if he shall so think fit, and if so desired by the promoters, empower any existing company incorporated by Act of Parliament or Charter, or constituted by any statute regulating Joint Stock Companies, to execute such undertaking, if it shall appear that such company have power to provide the necessary capital and to apply the same to the purposes of such undertaking, but no such Order shall be deemed or taken to authorize or sanction the employment by the said company for the purposes of such undertaking or of the application for the same of any funds which independently of such Order they would not have power so to apply.

*Existing Company may be empowered to execute work.*

9. In any case in which the undertaking shall be approved of by the Grand Jury, and no petition of appeal shall be presented against such approval to the Lord Lieutenant in Council by any of the parties entitled under such Act to appeal, the Order in Council shall immediately take effect without any Act of Parliament confirming the same, but in any case in which such petition of appeal is presented before the Order in Council is made, such Order shall have no effect until confirmed by Act of Parliament, even although no person shall appear to sustain such appeal, and when any Order shall be made after the presentation of such appeal the fact of such appeal having been presented shall be stated in such Order.

*Orders in Council valid without confirmation by Parliament.*

See sec. 6 of Act of 1881, p. 53, and note to sec. 14 of Act of 1860, p. 24.

Grand Jury may give permission for tramway to cross a highway.

10. In any case in which persons constructing any tramway shall only seek under the provisions of the said Act power to cross a highway, it shall be lawful for the Grand Jury, with the previous approbation of the presentment sessions held for the barony in which such proposed crossing is situate, to give permission for such crossing to be made, and thereupon and immediately upon such permission being given, and without any other approval, it shall be lawful for the persons constructing such tramway to lay down the same across any public road or roads for which permission shall have been so given; and it shall be lawful for the Grand Jury to annex to such permission any conditions or stipulations which to them shall seem fit; and in case such permission shall be used by the promoters, they shall be bound by such conditions and stipulations as if the same had been inserted in a special Act of Parliament authorizing such crossing, and all persons interested in same may have the same rights and remedies; and it shall be further lawful for the Grand Jury, if they shall so think fit, before such permission is acted on, to require persons of sufficient substance, to be approved of as they may direct, to enter into a bond to the Secretary of the Grand Jury, County Treasurer, or such other person as they may appoint, in such sum as they may name, conditioned for the observance of all such conditions and stipulations.

Short title.

11. This Act may be cited as "*The Tramways (Ireland) Amendment Act, 1861.*"

## TRAMWAYS (IRELAND).

### 34 & 35 VIC., CHAP. 114.

A.D. 1871. An Act to amend the Tramways (Ireland) Acts, 1860 and 1861. [21st August, 1871.]

WHEREAS it is expedient to amend "*The Tramways (Ireland) Act, 1860,*" and "*The Tramways (Ireland) Amendment Act, 1861:*"

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Tramways may be worked by mechanical power.

1. Notwithstanding anything contained in "*The Tramways (Ireland), Act, 1860,*" the grand jury of any county may approve of any application for authority to make and maintain a tramway to be worked by a locomotive engine or other mechanical power, and the Lord Lieutenant may make an Order in Council authorizing the making and maintaining of such tramway, subject to such conditions and restrictions as the grand jury or the Lord Lieutenant respectively may think fit to make with respect to the speed at which any train upon such tramway should be moved, or the nature of the traffic to be conveyed on such tramways. The term "*grand jury of any county*" in this section shall include all and any of the parties or persons mentioned in section thirty-eight

of "The Tramways Act, 1860," and thereby declared in the cases therein mentioned to be in the place of the grand jury, and having and being subject to all the like rights, powers, and duties.

See notes to sec. 24 of Act of 1860, p. 24.

2. Every tramway which is hereafter authorized under the authority of this Act, or of the Acts to be read together with this Act, shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of any road along or across which the same shall be laid, and no tramway to be worked by a locomotive engine or other mechanical power shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic by an engineer to be appointed for such purpose by the Board of Trade; and the Regulation of Railways Acts, 1840-1871, so far as circumstances will admit, and subject to the provisions of this Act, shall apply to every tramway to be worked by a locomotive engine or other mechanical power as if such tramway were a railway; and in the construction of the said Act for the purposes of this Act the term "company" in the said Acts shall include the owner of any such tramway.

Mode of formation of tramway and inspection of same.

See sec. 7 of the Act of 1881, p. 53.

3. Every locomotive propelled by steam on any tramway in Ireland under the authority of this Act shall be worked according to the following rules and regulations; viz.,

Locomotives on tramways.

1. The whistle of such locomotive shall not be sounded for any purpose whatever; nor shall the cylinder taps be opened within sight of any person riding, driving, leading, or in charge of a horse upon the road; nor shall the steam be allowed to attain a pressure such as to exceed the limit fixed by the safety-valve, so that no steam shall blow off when the locomotive is upon the tramway:
2. Every person in charge of such locomotive shall provide two efficient lights, to be affixed conspicuously one at each side on the front of the same, between the hours of one hour after sunset and one hour before sunrise.

In the event of a non-compliance with any of the provisions of this section, the owner or owners of the locomotives shall, on summary conviction thereof before two justices, be liable to a penalty not exceeding ten pounds.

4. It shall not be lawful to drive any such locomotive along any such tramway at a greater speed than six miles an hour, or through any city, town, or village at a greater speed than three miles an hour; and any person acting contrary thereto shall for every such offence, on summary conviction thereof, forfeit any sum not exceeding ten pounds.

Restraint on speed of locomotives on tramways.

See notes to sec. 24 of Act of 1860, supra.

5. "The Tramways (Ireland) Act, 1860," and "The Tramways (Ireland) Amendment Act, 1861," as amended by this Act, and this Act, shall be read together as one Act.

Recited Acts and this Act to be read together.

TRAMWAYS (IRELAND) ACTS AMENDMENT (DUBLIN).

39 & 40 VICT., CHAP. 65.

A.D. 1876.

An Act to amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin. [15th August, 1876.]

WHEREAS it is expedient to amend and vary the provisions of the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, in this Act referred to as "The Tramways Acts," as regards the application of the same to the county of Dublin and the county of the city of Dublin.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

One approval by grand jury of county of Dublin and by municipal corporation to be sufficient.

1. It shall not in future be necessary for the grand jury of the county of Dublin or the municipal corporation of the city of Dublin to pronounce a provisional approval of any undertaking, under the Tramways Acts, but the said grand jury or said municipal corporation as the case may be in proceeding under the fifth section of the Tramways (Ireland) Act, 1860, shall definitely approve or disapprove of such undertaking, in the case of the said grand jury at the first presenting term at which the same shall be brought before them, and in the case of the said municipal corporation at a meeting of the said municipal corporation held for the consideration of the matter of any such undertaking in the manner hereinafter mentioned ; and it shall not be necessary to obtain any further or other approval from the said grand jury or municipal corporation at any subsequent term or meeting.

When meetings of corporation may be held.

2. A meeting of the said municipal corporation for the purpose aforesaid may be held during the present year on any day, and in any subsequent year any meeting of the said municipal corporation for the purpose aforesaid shall be held upon the first day of Easter or Michaelmas term in any year, or in case any such day shall be on Sunday, then on the next succeeding day, and notice of such meeting and of the object of the same shall be duly given in such manner as notices of meetings of the corporation are usually given seven clear days before the day of holding the same.

When advertisements must be published, and deposits made.

3. In the case of the county of Dublin or the county of the city of Dublin the advertisements required by the first section of the Tramways (Ireland) Act, 1860, shall be published at least two calendar months before the presenting term or meeting of the municipal corporation at which the application shall be made, and the deposits required by the second and fourth sections and the notices required by the third section of the said Tramways (Ireland)

Act, 1860, shall be made and given at least one calendar month before such presenting term or meeting. A.D. 1876.

4. Any person entitled to appear on the inquiry before the grand jury or municipal corporation, as the case may be, may, in the case of their approval of the undertaking, traverse such approval, subject to and under the following regulation : Approval of grand jury or corporation may be traversed.

Such traverse shall be entered with the Master of the Crown Office of the Court of Queen's Bench within three days after such approval.

And it shall be on either of the following grounds :

First. That the preliminaries required by law for the application to the said grand jury or municipal corporation have not been complied with ; or,

Second. That the construction of the undertaking according to the plan approved of by the grand jury or municipal corporation would not be beneficial to the public.

In the case of a traverse on the first ground same shall be disposed of by the Court of Queen's Bench after hearing such evidence as may be adduced.

In the case of a traverse on the second ground same shall be tried in all respects as traverses of grand jury presentments in the case of the county of Dublin, or as traverses of presentments made by the town council of Dublin in the case of the county of the city of Dublin are or may be triable, and according to the provisions by statute or otherwise in force with respect to such traverses respectively.

The Court of Queen's Bench or any judge thereof may, if it shall appear fit, direct such traverse to be tried by a special jury.

In case more persons than one shall enter a traverse on the second ground there shall be one trial of all such traverses, and the judge before whom such traverse is tried shall make such order as may seem fit for the conducting of such trial and the appearance and intervention of the several traversers thereat.

Whenever a traverse has been entered under this Act, the same, if on the first ground hereinbefore mentioned, shall be disposed of by the Court of Queen's Bench in the term in which same has been entered, or in the term next after the entry of such traverse, and if such traverse is on the second ground hereinbefore mentioned, the same shall be tried at the after-sittings which shall commence next after the entry of such traverse : Provided always, that it shall be lawful for the Court of Queen's Bench, or any judge thereof, if it shall seem fit, to postpone the trial of such traverse, and in case the Court of Queen's Bench shall rule, or the jury find in favour of such traverse, as the case may be, the approval of the grand jury or municipal corporation shall be void and of no effect. Every traverse on the first ground shall be confined to the specific points mentioned by the traverser in his memorial lodged with the secretary of the grand jury or town clerk, as the case may be, and the particular points of non-compliance complained of shall be also stated in such traverse.

A.D. 1876.  
Confirmation of  
an Order in  
Council.

5. Whereas a certain order by the Lord Lieutenant in Council bearing date the eleventh March one thousand eight hundred and sixty-seven, authorizing the making and maintaining by the City of Dublin Tramways Company, Limited, of certain tramways therein mentioned, was made before any general rules were made in pursuance of the thirty-seventh section of the Tramways (Ireland) Act, 1860, regulating the times at which notices should be given, deposits made, and other proceedings taken in the county of Dublin and the county of the city of Dublin under the said Act, and said tramways have been under and by virtue of the authority of said order made and maintained, and are now being worked in the county of the city of Dublin, and doubts are entertained concerning the validity of the said order, by reason of the said order having been made before any such general rules as herein-before mentioned were made, and it is expedient to remove such doubts: Be it therefore enacted, that the order by the Lord Lieutenant in Council, made at the Council Chamber in Dublin and bearing date the eleventh day of March, one thousand eight hundred and sixty-seven, authorizing the making and maintaining of certain tramways in the city of Dublin in the said order mentioned, shall be and the same is hereby confirmed, and the said order shall for all purposes be deemed to have been made under and by virtue and in pursuance of and in conformity with the powers conferred by the Tramways Acts.

Interpretation  
of terms.

6. In the Tramways Acts the expression "grand jury" shall include the municipal corporation of the city of Dublin, and the term "county surveyor" shall include the city engineer of the said city.

This and recited  
Acts to be read  
together.

7. This Act and the Tramways Acts, save so far as the same are varied by this Act, shall be read together as one Act.

## TRAMWAYS (IRELAND) AMENDMENT ACT, 1881.

### 44 & 45 VICT., CHAP. 17.

A.D. 1881.

An Act to amend the Tramways (Ireland) Acts, 1860, 1861, and 1871.

[27th June, 1881.]

23 & 24 Vict.,  
c. 152.

24 & 25 Vict.,  
c. 102.

34 & 35 Vict.,  
c. 114.

WHEREAS by the Tramways (Ireland) Act, 1860, (hereinafter called "the Act of 1860,") the Tramways (Ireland) Amendment Act, 1861, (hereinafter called "the Act of 1861,") and by a subsequent Act passed in the session of Parliament held in the year 1871, and to be read as one with the foregoing Acts, and intituled "An Act to amend the Tramways (Ireland) Acts, 1860, and 1861," (hereinafter called "the Act of 1871,") (and which three said Acts of 1860, 1861, and 1871 are together hereinafter referred to as "the Tramway Acts,") powers were conferred

whereby persons desirous of promoting the construction of tramways in Ireland were enabled to make use, under proper control of the public roads, post roads, and common highways, and certain lands contiguous thereto, subject to the provisions in the Tramway Acts contained :

A.D. 1881.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Tramways (Ireland) Amendment Act, 1881. Short title.

2. This Act shall only extend to Ireland.

Limitation of  
Act.  
Interpretation  
of terms.

3. In this Act—

The expression "the Lord Lieutenant in Council" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being, acting by and with the advice of Her Majesty's Privy Council in Ireland.

4. From and after the passing of this Act, Schedule B. to the Act of 1860 shall be read and have effect as if under the head of "goods" in class 1 in lieu of the words "one penny" the words "three pence" had been inserted, and as if in paragraph six of the same schedule in relation to the maximum rate of charge in lieu of the words "one penny halfpenny" the words "three pence" had been inserted. Alteration of  
certain tolls in  
23 & 24 Vict.,  
c. 152, Sch. B.

See schedule referred to, p. 42.

5. Subject to the rules and regulations contained in section three of the Act of 1871, the Lord Lieutenant in Council, the grand jury of any county, or other authority empowered under the Tramway Acts to grant permission to construct a tramway or tramways, may permit the owners of any such tramway or tramways, or their servants duly authorized in that behalf, to drive any locomotive worked by steam along any such tramway at a speed not greater than ten miles an hour, or through any town or village at a speed not greater than six miles an hour, and where such permission has been obtained the provisions in section four of the Act of 1871 shall be deemed not to apply. Regulations as  
to speed of  
locomotives on  
tramways.

See notes to sec. 24 of Act of 1860, *supra*.

6. From and after the passing of this Act in any case in which a petition of appeal is presented to the Lord Lieutenant in Council against any undertaking which shall have been approved by the grand jury and the said appeal is not proceeded with it shall be considered as having entirely failed, and it shall not be necessary for the promoters to get the said order confirmed by Act of Parliament as required by the ninth section of the Tramways (Ireland) Amendment Act of 1861. Alterations of  
24 & 25 Vict.,  
c. 102, s. 9.

See notes to sec. 9 of Act of 1860, *supra*.

7. Where any tramway is proposed to be laid alongside any public road it shall not be necessary to construct as required by the sixth section of the Tramways (Ireland) Act, 1860, and of the Alterations of  
23 & 24 Vict.,  
c. 152, s. 6, and  
24 & 25 Vict.,  
c. 111, s. 1.



A.D. 1881.

Tramways (Ireland) Amendment Act of 1871 the same on a level with the said public road, provided that a clear roadway of eighteen feet is left between the said tramway and the opposite footpath, or roadside boundary in case there is no footpath, and that, in case any footpath be interfered with, the promoters make another footpath in place of that interfered with; provided also, that no such deviation from the ordinary level of the road shall be permitted unless authorized by the Lord Lieutenant in Council and by the grand jury of the county or other authority empowered under the Tramway Acts to grant permission for the construction of such tramway.

See sec. 2 of the Act of 1871, p. 49, but the reference to sec. 6 of the Act of 1860, which see, page 22, must be a mistake. The only sec. in the Act of 1860 on the subject is sec. 39, p. 33.

Tramway Acts  
and this Act to  
be read as one.

8. The Tramways Acts (as amended by this Act) and this Act shall be read together and construed as one Act.

## TRAMWAYS AND PUBLIC COMPANIES (IRELAND).

[46 & 47 VICT. CH. 43.]

A.D. 1883.

### ARRANGEMENT OF SECTIONS.

#### PART I.—*Powers of Grand Jury to Guarantee.*

##### Section.

1. Grand jury may present in favour of baronial guarantee.
2. Petition of appeal against presentment.
3. Order in Council may adopt the presentment of the grand jury.
4. Baronies to contribute pursuant to their guarantee.
5. Repayment by company of money contributed by baronies.
6. Amount to be paid by baronies.
7. Sums mentioned in certificates to be presented by grand jury and paid by county treasurer.
8. Application of Act to cities and corporate towns.

#### *Treasury Contribution to Guarantee.*

9. Treasury contribution to baronial charge.

#### *Enactments as to Orders in Council.*

10. Provision shall be made by Order in Council for the working of line.
11. Power to railway companies to subscribe towards tramways under this Act.

#### PART II.—*Emigration and Purchase of Lands by Public Companies.*

12. Emigration.
13. Advances by Land Commission.
14. Sale to public of parcels not purchased by tenants.
15. Terms of repayment of advances made by Commission.
16. Provision as to purchases and sales by a company.
17. Application of certain provisions of the Land Law (Ireland) Act, 1881.
18. Price of holding may be fixed by arbitration.
19. Terms of repayment of advances to companies.
20. Amendment of s. 31 of Land Act.
21. Power to modify in certain cases conditions and limitations in sub-section 3 of 31st section of Land Law (Ireland) Act, 1881, by Board of Works under recommendation of Lord Lieutenant.

#### PART III.—*Supplemental.*

22. Actions by secretary of the grand jury.
23. Amendment of Acts.
24. Construction of Act.
25. Interpretation.
26. Short Title.

TRAMWAYS AND PUBLIC COMPANIES (IRELAND)  
ACT, 1883.

46 & 47 VIC., CAP. 43.

An Act for promoting the extension of Tramway communication in Ireland, and for assisting Emigration, and for extending certain provisions of the Land Law (Ireland) Act, 1881, to the case of Public Companies.

A.D. 1883.

[25th August, 1883.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

POWERS OF GRAND JURY TO GUARANTEE.

1. (1.) It shall be lawful for the promoters of any tramway, being a public company, in making application to the grand jury of any county under the Tramways (Ireland) Acts, to propose that a barony or baronies in the county shall guarantee the payment of dividends, not exceeding five per centum, upon so much of the share capital of the undertaking as is for the time being paid up capital as defined by this Act: And also that, in case of default on the part of the promoters, the completion, working, and maintaining of the undertaking may be provided for, under the circumstances specified in this Act, at the cost of the same barony or baronies.

Grand jury may present in favour of baronial guarantee.

(2.) The grand jury shall inquire into such proposal, and shall hear all persons interested, and may make a presentment to be submitted to the Lord Lieutenant in Council that such baronies or parts of baronies as the grand jury may specify shall be chargeable with the payment of dividends at such rate, not exceeding five per centum, per annum, as the grand jury may determine on so much of the share capital of the company as is for the time being paid-up capital as defined by this Act: And also that the same baronies or parts of baronies shall become chargeable, under the circumstances specified in this Act, with the payment from time to time of such sums as may be required for completing, working, or maintaining the undertaking.

The guarantee may be limited by the presentment to expire at a fixed period.

(3.) The presentment shall provide that the barony or baronies or parts of baronies which it is proposed to charge with any part of such guarantee shall be represented in the direction or supervision of the affairs and finance of the company, so far as relates

A.D. 1883.

to the said tramway, or the part or parts thereof, in respect of which such barony or baronies or parts of baronies are proposed to be charged. This may be done—

- (a.) By enabling the presentment sessions for such barony from time to time to elect a director or a local consulting director or directors of the company as the grand jury think necessary :
- (b.) By enabling such presentment sessions from time to time to appoint an auditor, with power to inspect the books and accounts of the said company relating to the said tramway at stated and reasonable times ;
- (c.) By enabling such presentment sessions from time to time to appoint a delegate or delegates to attend and vote at the general meetings of the company on business relating to the said tramway, under such conditions as may be prescribed :
- (d.) By any combination of the foregoing arrangements deemed proper :
- (e.) The presentment may lay down a scale of payment, so far as they are chargeable upon the earnings of the undertaking, if any, for the directors and officials of the company, and may provide for the revision of such scale.

(4.) The presentment shall contain all such other conditions as the grand jury think proper to insert.

(5.) The presentment may apply to one barony only, if the grand jury so think fit. If it applies to more baronies than one, it shall determine the proportions of their liability respectively, or the presentment may provide that the proportions of such liability may be afterwards determined from time to time by arbitration or otherwise as the grand jury think expedient.

(6.) Nothing contained in this Act shall operate to prevent a company from promoting, constructing, and working two or more different tramway undertakings ; Provided always that such company shall keep separate capital and revenue accounts for each tramway.

*See* sec. 1 and following sections of the Act of 1860, p. 19, with the notes thereto, as to the making of application to the Grand Jury.

By sec. 25, p. 69, the word tramway shall be construed to include light railway.

*See* sec. 5 of the Act of 1860, p. 21, as to inquiry by Grand Jury.

The amount of capital on which dividends are to be guaranteed is to be fixed by the Lord Lieutenant in Council (sec. 10, subsec. 4, p. 62.)

Sec. 2, p. 57, provides for appeal against presentment.

By sec. 3, p. 57, Order in Council may adopt such presentment.

Secs. 4, 6, & 7, pp. 58 and 59, provide for contribution by barony of guaranteed dividend, and sec. 5, for subsequent repayment to barony of money contributed, when there are profits to permit of that being done.

Treasury is to contribute half the amount of guarantee paid by barony.

When barony is called on under its guarantee to contribute to cost of completion or maintenance of line, then it becomes the property of the Grand Jury or barony so contributing, sec. 10, p. 61.

As to levying and payment under guarantee, *see* secs. 6 and 7, post.

2. In addition to the persons entitled under the Tramways (Ireland) Acts to appeal to the Lord Lieutenant in Council against the presentment of a grand jury approving of the undertaking, it shall be lawful for any persons, not less than twenty in number, who are collectively liable to pay one-eighth or upwards of the county cess in any barony specified in the presentment of the grand jury, to present a petition of appeal to the Lord Lieutenant in Council against such presentment. Such petition of appeal shall operate in the same manner as a petition of appeal under the Tramways (Ireland) Acts to prevent the Order in Council from taking effect unless confirmed by Parliament.

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Petition of  
appeal against  
presentment.

As to the persons referred to as entitled to appeal, and as to appeals generally, *see* secs. 5, 7, 8, and 12, of the Act of 1860, pp. 21 and following, sec. 9 of the Act of 1861, p. 47, sec. 6 of the Act of 1881.

As to the necessity for an Act of Parliament to confirm Order in Council, *see* sec. 14 of the Act of 1860, p. 24, sec. 9 of the Act of 1861, p. 47, and sec. 6 of the Act of 1881, p. 53, secs. 26 and 27 of the Act of 1860, p. 27, and sec. 23 subsec. 2 of the Act of 1883, p. 67, practically repealing the two last foregoing secs.

3. When any such presentment has been submitted to the Lord Lieutenant, the Order in Council, which the Lord Lieutenant is empowered to make under the Tramways (Ireland) Acts, may include, in addition to any provisions which it might have contained if this Act had not been passed, a confirmation of the presentment of the grand jury so far as it relates to any charge or liability to be defrayed by any barony.

Order in  
Council may  
adopt the  
presentment of  
the grand jury.

Orders in Council under this Act shall only be made with the sanction of the Treasury.

In addition to the special provisions of this section, the Order in Council may authorize making of line, sec. 13 of the Act of 1860.

May incorporate company for that purpose, sec. 15 of the Act of 1860, p. 25.

May prescribe amount of share capital, sec. 16 of the Act of 1860, p. 25. Amount of paid up capital, sec. 10, subsec. 4, p. 62, the number of shares and amount of each share, sec. 16 of the Act of 1860, p. 25.

May confer the right to borrow under certain restrictions, sec. 17 of the Act of 1860, p. 25.

May appoint first general meeting, sec. 18 of the Act of 1860, p. 25. Shall, subject to any exceptions specially made, incorporate the Companies Clauses, Lands Clauses, and Railways' Clauses Consolidation Acts, and the Railways' Act (Ireland), 1857, secs. 19 and 23 of the Act of 1860, p. 26.

Must authorize alterations of original plan, sec. 21 of the Act of 1860, p. 25.

May give authority to construct line over public thoroughfares, sec. 24 of Act of 1860, p. 27.

May prescribe maximum rate of tolls and charges, sec. 25 of the Act of 1860, p. 27.

May vary or extend time for during the various things required by the Tramways Acts, sec. 26 and 27 of the Act of 1860, p. 27, and sec. 23, subsec. 3 of the Act of 1883, p. 68.

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May authorize abandonment of undertaking, sec. 27 of the Act of 1860, p. 27.  
May in certain cases suspend payment of dividend, sec. 30 of the Act of 1860, p. 30.  
May make most suitable provision for completion of line within time limited, sec. 31 of the Act of 1860, p. 31, and maintaining and working the line, sec. 10 of the Act of 1883, p. 61.  
May provide for payment of expenses, sec. 32 of the Act of 1860, p. 31.  
May apply amended standing orders, sec. 48 of the Act of 1860, p. 35.  
May authorize existing companies to execute the undertaking, sec. 8 of the Act of 1861, p. 47, or contribute towards it, sec. 11 of the Act of 1883, p. 62.  
May authorize the use of steam or other mechanical power, sec. 1 of the Act of 1871, p. 48, sec. 5 of the Act of 1881, and sec. 23, subsec. 5 of the Act of 1883, p. 68.  
May permit deviation from ordinary level of road, sec. 7 of the Act 1881, p. 53.  
May provide for line becoming property of Grand Jury in certain cases, shall make provision for inspection, audit and keeping accounts, sec. 10, subsec. 3, p. 62.  
May provide that sec. 42 of the Act of 1860, will not apply in certain cases, sec. 23, subsec. 5 of the Act of 1883, p. 68.

**Baronies to contribute pursuant to their guarantee.**

4. During the continuance of the guarantee the net receipts from the tramway, after deducting from the gross receipts the expenses of the management and working and proper maintenance of the tramway, shall be applied to the payment of a dividend at the guaranteed rate on so much of the share capital of the company applicable to such tramway as is for the time being paid-up capital within the meaning of this Act; and in the event of a total failure or partial insufficiency in any half year of such net receipts to pay such dividend, then the sums required to pay such dividend or to make up any deficiency therein shall be charged upon and levied off the barony or baronies chargeable under the guarantee, and the sums so levied shall be applied for that purpose, and to no other purpose whatever.

See notes to sec. 1, *supra*.

**Repayment by company of money contributed by baronies.**

5. Whenever in any half year there remains any surplus of the receipts from the tramway (after deducting the expenses of the management and working of the tramway, and after deducting dividend at the guaranteed rate upon the capital of the company for the time being paid up), and any money shall in any previous half year have been contributed by the baronies under their guarantee, or for maintaining or working the tramway, such surplus shall be paid over by the company to the treasurer of the county until all moneys paid by the baronies, together with the costs and expenses of levying the same, shall have been repaid to such treasurer. All moneys so repaid to the treasurer shall be

apportioned by him between the Treasury and the baronies in the proportions in which the Treasury and the baronies respectively have made payments on account of the undertaking. The amount which on such apportionment is found to be payable to the Treasury shall be paid by the treasurer of the county to the Commissioners of Public Works, for the use of the Exchequer, in such manner as the Treasury may from time to time order. The amount which is payable to the baronies shall be carried by the treasurer to the credit of the baronies in proportion to the amounts paid by them respectively, and shall be applied by him in reduction of the county cess payable by the baronies respectively.

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See notes to sec. 1, *supra*.

6. For the purpose of ascertaining the gross receipts and the net receipts from the tramway, and the sums (if any) which any barony shall pay in any half year as provided by the Order in Council, and for the other purposes mentioned in this Act, the Board of Trade may, during the continuance of the guarantee, from time to time appoint as arbitrators the county surveyor acting for the time being in the county in which such barony is situate, and two other persons to be selected by the Board of Trade, and may supply the place of any of such arbitrators dying or resigning or failing or becoming incapacitated to act, and such arbitrators shall from time to time ascertain and determine the amount of the gross receipts and of the net receipts, if any, as prescribed by this Act in respect of the tramway in each half year, and also any other matters which it may appear necessary to them to inquire into and determine upon in order to ascertain the amount which may be applicable out of the receipts of the undertaking to the payment of the guaranteed dividend, and the amount, if any, which the guaranteeing baronies are liable to contribute towards such dividend, or towards the expenses of maintaining or working the undertaking, and the amount (if any) payable to the treasurer of the county under this Act, and shall thereupon apportion and determine the amount of such half-yearly sums, if any, to be paid by the baronies liable to pay the same or by the company, and the arbitrators shall set forth the several matters so determined by them in certificates under their hands, or, in case they do not agree, under the hands of any two of them, and such certificates shall be in all respects binding on the grand jury and the baronies and the company; and immediately after the delivery of such certificates to the secretary of the grand jury of the county, the baronies, or the company, as the case may be, shall be liable as herein provided for the payment of such sums as shall be specified in such certificates, and a copy of every such certificate shall be delivered to the company, and the company shall immediately thereon pay to such arbitrators their costs and expenses, and such remuneration for their trouble in regard thereto as the Board of Trade shall order.

Amount to be  
paid by  
baronies.

It shall not be lawful for any county surveyor liable to be appointed an arbitrator under this provision, or for any assistant to

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such county surveyor, to promote or have any pecuniary interest in or connected with any proposed tramway.

See notes to sec. 1, *supra*.

Sums mentioned in certificates to be presented by grand jury and paid by county treasurer.

7. The arbitrators shall from time to time deliver the certificates by this Act directed to be prepared by them to the secretary of the grand jury of the county to which the guaranteeing barony or baronies belong, who shall lay such certificate before the grand jury at the assizes next after he shall have received the same; and the grand jury are hereby required, from time to time, and without application to presentment sessions, to present the sum mentioned in such certificates as payable by any barony, together with the costs and expenses of levying the same, to be raised and levied in like manner as any presentment made under the authority of an Act passed in the session of the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, and any Act amending the same; and if the grand jury fail to present the sum, or any part thereof, contained in any such certificate, together with the costs and expenses of levying the same, the treasurer of the county shall insert such sum, or such omitted part thereof, together with the costs and expenses of levying the same, in his warrant for raising the moneys presented at the same assizes, as if such sum had been duly presented by the grand jury to be raised and levied in manner herein-before mentioned, and the same shall be raised and levied accordingly as if the same had been so presented, and the treasurer shall pay over the amount, when received by him, as if such money had been presented by the grand jury.

See notes to sec. 1, *supra*.

Application of Act to cities and corporate towns.

8. In cases where for the purposes of the Tramways (Ireland) Act, 1860, the grand jury of a county of a city, or county of a town, municipal corporation, town or other commissioners, are in the place of the grand jury of the county within which the city, borough, town corporate, place, or district over which they have control, is locally situate, then such grand jury of a county of a city, or county of a town, municipal corporation, or commissioners shall, for the purposes of this Act, be in like manner in the place of the grand jury of the county; and the provisions of this Act relative to a barony shall apply to the city, borough, town corporate, or other place or district within which such grand jury, municipal corporation, or commissioners have rating powers, and any rate or fund out of which the expense of making or maintaining roads might be defrayed shall for the purposes of this Act be in place of the grand jury cess leviable in a barony, and a resolution of such municipal corporation or commissioners, passed in the same manner as other resolutions for providing funds for the payment of debts, shall be in lieu of a presentment of a grand jury, and the matters and things which in the case of a grand jury of a county are prescribed to be done at the assizes, may be done at

any convenient time appointed by the corporation or the commissioners.

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Nothing contained in this section shall alter or affect the procedure prescribed with reference to the county of the city of Dublin, and the county of Dublin, by the Act of the session of the thirty-ninth and fortieth years of the reign of Her present Majesty, chapter sixty-five.

Nothing contained in this Act relative to the mode of enforcing payment of any sums due on account of a baronial guarantee, or as to the levying of moneys for making such payment, shall prejudice or affect any action or proceedings which may be taken by any company or person to whom any money is due on account of such guarantee.

See sec. 38 of the Act of 1860, p. 31.

#### TREASURY CONTRIBUTION TO GUARANTEE.

9. When in any half-year after the opening for traffic of a tramway belonging to a company the dividend on the share capital of which is guaranteed by a barony under this Act, such barony has paid to the company any sum in respect of guaranteed dividend, exclusive of any sum paid in respect of the completing, working, or maintaining of the undertaking, it shall be lawful for the Treasury, if and so long as the tramway is maintained in working order and carries traffic, to authorize the Board of Works, out of any moneys provided by Parliament, to pay to the treasurer of the county, to be put by him to the account of the barony, a sum not exceeding one-half of the sum paid by the barony in respect of guaranteed dividend, exclusive as aforesaid, during such half year; and not exceeding a sum equal to interest at the rate of two per cent. per annum on the paid-up capital as defined by this Act for the time being of the company.

Treasury contribution to baronial charge.

The Treasury in sanctioning Orders in Council under this Act shall not undertake to pay in the aggregate a sum exceeding forty thousand pounds a year.

#### ENACTMENTS AS TO ORDERS IN COUNCIL.

10. (1.) Every Order in Council which confirms a presentment of a grand jury for a baronial guarantee under this Act shall contain all such provisions as may be necessary for securing that the tramway shall be completed, and shall be maintained in good order and condition, and shall be efficiently worked by the company or their assigns, and that if default is made in such completing, or if at any time the receipts from the undertaking are insufficient to defray the expenses of management, and of efficiently maintaining and working the undertaking, then such sums as may be necessary for those purposes shall be contributed from time to time by the guaranteeing baronies, in the same proportions, and shall be assessed and levied in the same manner, as their contri-

Provision shall be made by Order in Council for the working of line.



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butions on account of their guarantee, and such Order shall provide for the manner in which such sums shall be applied for those purposes under the control of the grand jury.

(2.) Such Order shall also provide that if the guaranteeing baronies have been called upon to pay and have paid any money for completing the tramway, or if they have been called upon to pay and have, during a period of not less than two years to be fixed by the Order, continued to pay any money for maintaining or working the undertaking, then the undertaking, and all the property of the company connected with it, shall become the property of the grand jury, subject to any liabilities affecting such undertaking or property, and the undertaking shall be maintained and worked by the grand jury at the cost of the guaranteeing baronies; and the Order shall also provide for the mode in which the undertaking shall be so maintained and worked.

(3.) The Order shall also contain such provisions with respect to the inspection of the works, the audit of accounts, the keeping of books, documents, and vouchers, and their submission to the arbitrators appointed under this Act, as the Lord Lieutenant thinks proper.

(4.) Before any such Order in Council is made, the Commissioners of Public Works shall furnish to the Lord Lieutenant an estimate of the amount of paid-up capital which is necessary for the purposes of the undertaking; and the Lord Lieutenant in Council shall, having regard to such estimate and to such representations as may be made by the company, fix a limit upon the amount of capital upon which dividends may be guaranteed, and, subject to that limit, the amount of capital for the time being paid up shall be deemed to be the amount of the paid-up capital of the company so far as relates to such undertaking within the meaning of this Act.

See notes to sec. 3 *supra*, p. 57.

Power to railway companies to subscribe towards tramways under this Act.

11. The Lord Lieutenant in Council may by Provisional Order empower any railway company to contribute towards the cost of the construction of any tramway to be made under the powers of this Act such sum of money by way of loan, subscription for shares, or otherwise, as may be agreed upon between the railway company and the promoters of the tramway.

Such Order in Council shall only be made where the railway company establishes, to the satisfaction of the Lord Lieutenant in Council, that a copy of the Provisional Order as applied for by the railway company has been submitted to the proprietors of the company, at a meeting held specially for that purpose, as if such Order were a Bill promoted in Parliament by the Company, and that all matters and things have been done and have happened, and all times have elapsed, which if such Order were a Bill so promoted as aforesaid should have been done and have happened and elapsed in order to constitute compliance with the Standing Orders of Parliament applicable to Bills promoted by railway companies for the like purposes to those referred to in this section.

Such Order in Council shall not take effect unless confirmed by Parliament if a petition against it is presented to the Lord Lieutenant in Council, and the petitioner appears and proceeds therewith.

A.D. 1863.

See sec. 8 of the Act of 1861, p. 47.

## PART II.

### EMIGRATION, AND PURCHASE OF LANDS BY PUBLIC COMPANIES.

12. In the twentieth section of the Arrears of Rent (Ireland) Act, 1882, enabling grants to be made in aid of emigration, the sum of two hundred thousand pounds shall be substituted for the sum of one hundred thousand pounds, and the sum of eight pounds shall be substituted for the sum of five pounds in any cases in which the Lord Lieutenant shall so direct. Emigration.

Provided that, to an extent not exceeding fifty thousand pounds, the moneys to be hereafter granted by the Commissioners of Public Works under the said section may be applied for the purpose of paying for or assisting in the removal of persons or families from districts or places within the unions referred to in the said section to other places in Ireland, whether within such unions or not, and their settlement there, or for other purposes incidental to such removal and settlement. Such grants shall only be made on the recommendation of the Lord Lieutenant, and on such terms as he may approve.

13. (1.) The Treasury may authorise the Irish Land Commission to advance from time to time to any public company with whose constitution the Land Commission are satisfied, hereinafter referred to as a public company, out of moneys to be provided by Parliament, if the Land Commission approve of the security and the expediency of the purchase, such sums as the Treasury think fit for aiding such company to purchase estates for the purpose of reselling to the tenants of the lands comprised in such estates their respective holdings, or for the purpose of assisting in the removal thereto of persons and families, as provided by the preceding section of this Act. Advances by  
Land Commis-  
sion.

Such advances, where the estate or estates are purchased solely for the purpose of re-sale to the tenants, shall only be made when the Land Commission are satisfied that a competent number of the tenants on the estates proposed to be purchased are able and willing to purchase their holdings from the company.

(2.) When a company to whom an advance has been made under this section has purchased an estate, they shall, so far as concerns the re-sale of their holdings to the tenants thereon, deal with it in the same manner in which it is provided in Part V. of the Land Law (Ireland) Act, 1881, that the Land Commission shall deal with estates purchased by them for the purpose of reselling to the tenants of the lands comprised in such estates their respective holdings.

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(3.) The sale by the company of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price or in consideration of a fine and of a fee farm rent, with this qualification, that the amount of the fee farm rent shall not exceed seventy-five per cent. of the rent which in the opinion of the Land Commission would be a fair rent for the holding.

(4.) For the purposes of this section a competent number of tenants means a body of tenants who are not less in number than three-fourths of the whole number of tenants on the estate, and who pay in rent not less than two-thirds of the whole rent of the estate, and of whom a number, comprising not less than one-half of the whole number of tenants on the estate, are able and willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

The condition as to three-fourths of the number of tenants may be relaxed on special grounds with the consent of the Treasury, and on the recommendation of the Lord Lieutenant.

(5.) The Land Commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding seventy-five per cent. of the said price, and to a tenant purchasing subject to a fee-farm rent a sum not exceeding one half of the amount of the fine payable by the tenant.

(6.) In sales by a company to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

Sale to public  
of parcels not  
purchased by  
tenants.

14. Where a public company have purchased an estate, they may sell any parcels which they do not sell to the tenants thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee-farm rent, or partly in one way and partly in the other.

The Land Commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be made shall apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

Terms of re-  
payment of  
advances made  
by Commission.

15. (1.) Any advance made by the Land Commission for the purpose of supplying money for the purchase of a holding or parcel from a public company shall be repaid by an annuity in favour of the Land Commission for thirty-five years of five pounds for every hundred pounds of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the commission either in such manner as may be agreed on between the commis-

sion and the person to whom the advance is made, and as the commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the Land Commission were the board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

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33 & 34 Vict.,  
c. 46.  
35 & 36 Vict.,  
c. 22.

Provided always, that where any such advance is secured in the manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, the first half-yearly payment of the annuity shall, where the advance is not made on one of the gale days (namely, the first day of May or the first day of November), be due and paid on the second of such gale days after the date of the advance; and together with such first half-yearly payment there shall be due and paid an additional sum for interest on the advance at the rate of three and a-half per cent. per annum from the date of the advance until the first gale day next after that date.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, or may prepay any instalments thereof in such manner and on such terms as is provided by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, or in such other manner, and on such other terms, as the Treasury may from time to time approve, having regard to the due repayment of the loan and the protection of the Land Commission against loss by the said loan.

16. (1.) A public company to whom an advance is made under this Act shall not purchase a leasehold estate for the purposes of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the company have purchased some greater right or interest in the estate in which the leasehold would be merged:—

Provisions as  
to purchases  
and sales by a  
company.

Provided that—

(a.) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(b.) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any sale of a holding to a tenant by a company in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the Land Commission may think expedient; and for the purpose of the application of the said Part II., “price” in section thirty-two of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee farm rent as well as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

A.D. 1883.

Application of certain provisions of the Land Law (Ireland) Act, 1881.

17. (1.) Section thirty of the Land Law (Ireland) Act, 1881, shall apply to all holdings for the purchase of which advances have been made by the Land Commission to a tenant pursuant to this part of this Act.

(2.) Section thirty-three of the said Act, relative to the supply of money by the Treasury, shall be extended and shall apply to the supplying of money for the purpose of advances by the Land Commission under this part of this Act as fully as it applies to the advances mentioned in that section.

Price of holding may be fixed by arbitration.

18. When an estate has been purchased by a public company to whom an advance has been made by the Land Commission under this Act, and any difference arises between such company and the tenant of any holding comprised in such estate relative to the sale of such holding to such tenant, either as to price or as to any other term of the contract, the difference shall, if the tenant so requires, be referred to the Land Commission, whose decision thereon shall be binding upon the company and the tenant.

Terms of repayment of advances to companies.

19. Advances made by the Land Commission to a public company in pursuance of this Act shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the sixteenth day of August one thousand eight hundred and seventy-nine, with reference to loans, to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section.

The security for the repayment of such advances shall be in such form, and shall contain such conditions for obliging the company duly to carry out the purposes specified in this Act as to sales to tenants and otherwise, as the Land Commission may consider proper.

All contracts of sale by a public company to a tenant or other person pursuant to this Act shall be submitted to and shall be subject to the approval of the Land Commission.

If the Land Commission so direct, the purchase money payable by a tenant or other purchaser to a public company shall be paid to the Land Commission, and credited to the company as against any money for the time being owing by the company to the Land Commission.

If the Land Commission so direct, any rentcharge, annuity, or instalments on account of purchase money payable by a tenant or other purchaser to a public company, shall be reserved and made payable to the Land Commission, and all sums received by the Land Commission on account thereof shall be credited against any sums owing by the company to the Land Commission on account of rentcharge, purchase money, or otherwise.

So soon as all sums owing by a public company to the Land Commission shall have been paid and discharged, the Land Commission shall by order direct that such rentcharge, annuities, and instalments as last mentioned remaining unpaid, shall forthwith vest in and become payable to the said public company or its

assigns, and the same shall then so vest and become payable accordingly. A.D. 1883.

20. The planting of trees shall be included amongst the purposes for which money may be advanced by the Board of Works under the thirty-first section of the Land Law (Ireland) Act, 1881. Amendment of s. 31 of Land Act.

21. The conditions and limitations contained in sub-section three of the thirty-first section of the Land Law (Ireland) Act, 1881, may be modified or dispensed with by the Board of Works, with the consent of the Treasury, in any special cases in which the Lord Lieutenant may for special reasons, to be stated under his hand, recommend that it is proper so to do. Power to modify in certain cases conditions and limitations in sub-section 3 of 31st section of Land Law (Ireland) Act, 1881, by Board of Works under recommendation of Lord Lieutenant.

### PART III.

#### SUPPLEMENTAL.

22. Whenever any money is payable under this Act by a company to the treasurer of any county, and also whenever a tramway undertaking has become the property of the grand jury of any county under this Act, the secretary for the time being of the grand jury of that county may bring any action which may be necessary for the purposes of this Act in any court of competent jurisdiction, and may be the nominal plaintiff in such action, and as such entitled to sue on behalf of the grand jury, or of the ratepayers of any barony, and no such action shall abate or be discontinued by reason of the death, removal, or resignation of such secretary. Action by secretary of the grand jury.

See sec. 5 and sec. 10, subsec. 2, *supra*.

23. The Tramways (Ireland) Acts are hereby amended as follows: Amendment of Acts

- (1.) The enactment in section one of the Tramways (Ireland) Act, 1860, that it shall not be competent to make application for a tramway or tramways under the provisions of that Act to unite places between which statutory powers for making a railway or railways for directly connecting the same shall have been granted and be in force is hereby repealed, except in cases where such railway shall have been actually constructed, or shall be in actual course of construction, or where the railway company, having such powers, shall satisfy the Lord Lieutenant in Council that it is their intention forthwith to proceed in good faith to construct such railway.
- (2.) Notwithstanding the enactments to the contrary contained in sections twenty-six and twenty-seven of the Tramways (Ireland) Act, 1860, Orders in Council made under those sections for varying, extending, enlarging, or maintaining any tramway, or for extending the time limited for the completion of a tramway, or for authorizing the abandonment of a tramway or part thereof, shall take effect when made, and shall not require to be confirmed by an Act of Parliament.

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- (3.) The times appointed by the Tramways (Ireland) Acts for the publishing of advertisements, the depositing of maps, plans, books of reference, memorials, and other documents, and the giving of notices may, so far as relates to proceedings under this Act, be varied from time to time by the Lord Lieutenant by Order in Council.
- (4.) In the first sub-section of the twenty-ninth section of the Tramways (Ireland) Act, 1860, the period of fourteen days shall be substituted for the period of forty-eight hours, as the period within which the payment or deposit of money as security for the completion of the tramway as therein mentioned may be made.
- (5.) Every Order in Council which sanctions a baronial guarantee under this Act may also provide that the forty-second section of the Tramways (Ireland) Act, 1860, shall not apply to the tramway in favour of which such guarantee is sanctioned.
- (6.) Notwithstanding the limits prescribed by the fifth section of the Tramways (Ireland) Amendment Act, 1881, for the speed at which locomotives worked by steam may be driven along any tramway, the Board of Trade may from time to time by Order authorize such locomotives to be driven at a speed not exceeding twelve miles an hour elsewhere than through any town or village. So long as a locomotive is being driven on a tramway at a greater distance than thirty feet from the centre of any public road, the limits of speed prescribed by the Tramways (Ireland) Acts or this Act shall not apply.

As to subsec. 1 see note to sec. 1 of the Act of 1860, p. 19.

As to subsec. 2 see the secs. of the Act of 1860 therein referred to and subsec. 3 of this sec.

As to subsec. 4 see preceding subsec.

Section 1 of the Act of 1860, p. 19, and schedule A. to that Act as amended by secs. 3 and 4 of the Act of 1861, p. 47, regulates the time for publishing notice of application.

As to notice of appeal see sec. 12 of the Act of 1860, p. 24.

Time for serving notice for Act of Parliament is to be prescribed by Speaker (sec. 14 of the Act of 1860, p. 24.)

Times for serving notice to owners, lessees, occupiers, &c., are regulated by sec. 3 of the Act of 1860, p. 21, as amended by secs. 3 and 4 of the Act of 1861, p. 46.

Deposits.—The times for making deposits of copy of advertisements, maps, book of reference, &c., under sec. 2 of the Act of 1860, p. 20, memorial of promoters, estimate of expenses, and list of owners, lessees, and occupiers, notified under sec. 4 of the Act of 1860, p. 20, are regulated by these secs. as amended by secs. 3 and 4 of the Act of 1861, p. 46.

Deposit of report of county surveyor to be three days before inquiry by county surveyor.

Map of alterations must be deposited before work begun, sec. 21 of the Act of 1860, p. 26.

Deposit for the purpose of Railways (Ireland) Act, 1851, are regulated by sec. 22 of the Act of 1860, p. 26, and deposits to be made as to crossings, by sec. 23 of that Act, p. 26.

Deposit of security for completion is regulated by sec. 29 of the Act of 1860, p. 28, as amended by the present subsec.

A.D. 1883.

See sec. 33 making special provisions as to deposits on Sunday, Saturday, or Monday.

As to the times for making deposits with respect to the city or county of Dublin, see sec. 37 of the Act of 1860, p. 31, and the Act of 1876, p. 50.

As to the times for making deposits when other cities, boroughs, or towns, are affected, see sec. 38 of the Act of 1860, p. 32.

As to time of inquiry by Board of Works, see sec. 9 of the Act of 1860, p. 23, as amended by sec. 6 of the Act of 1861, p. 47.

Traverse—as to when approval of Grand Jury may be traversed, see sec. 5 of the Act of 1861, p. 47, and see the Act of 1876, p. 50.

Memorandum of all documents deposited with him to be made by Secretary of Grand Jury (sec. 35 of the Act of 1860).

24. The Tramways (Ireland) Acts, and this Act, shall so far as is consistent with the tenor thereof be construed together. Construction of Act.

25. In this Act,—

“The Tramways (Ireland) Acts,” means the Tramways (Ireland) Act, 1860, the Tramways (Ireland) Amendment Act, 1861, the Act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter one hundred and fourteen, intituled “An Act to amend the Tramways (Ireland) Acts, 1860 and 1861,” the Act of the session of the thirty-ninth and fortieth years of the reign of Her present Majesty, chapter sixty-five, intituled “An Act to amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin,” and the Tramways (Ireland) Amendment Act, 1881. Interpretation.  
23 & 24 Vict.,  
c. 152.  
24 & 25 Vict.,  
c. 102.  
34 & 35 Vict.,  
c. 114.  
39 & 40 Vict.,  
c. 65.  
44 & 45 Vict.,  
c. 17.

In the construction of this Act and the Tramways (Ireland) Acts the word “tramway” shall be construed to include for the purposes of this Act a light railway.

The word “company” in this Act shall include a public company, body corporate, or other public body.

“The Treasury” means the Commissioners of Her Majesty’s Treasury.

The expression “barony” shall include any specified part or parts of a barony.

31 & 32 Vic., c. 119 (The Regulation of Railways Act, 1868), sec. 28, provides as follows:—

A light railway shall be constructed and worked subject to such conditions and regulations as the Board of Trade may from time to time impose or make: Provided that—

- (1) The regulations respecting the weight of locomotive engines, carriages and vehicles to be used on such railway shall not authorize a greater weight than eight tons to be brought upon the rails by any one pair of wheels.
- (2) The regulations respecting the speed of trains shall not authorize a rate of speed exceeding at any time twenty-five miles an hour.

26. This Act may be cited for all purposes as the Tramways short title, and Public Companies (Ireland) Act, 1883.



**MEMORIAL.**

To the Right Honourable JOHN POYNTZ EARL SPENCER, K.G., Lord  
Lieutenant in Council.

The Memorial of the Promoters of the St. Johnson and Raphoe Tram-  
way (or Light Railway\*)

Showeth as follows :

1. Your memorialists have duly published, in accordance with the Tramways (Ireland) Acts, 1860 and 1861, in three successive weeks, in the month of November, 1881, in the *Tyrone Courier*, a newspaper published and circulating in County, being the county in which the lands and roads to which this memorial relates lie, and also in the *Dublin Gazette*, the following advertisement, signed by the solicitor of your memorialists.

NOTICE.—TRAMWAY or LIGHT RAILWAY from ST. JOHNSON to GLENTIES  
—INCORPORATION of COMPANY—CONSTRUCTION of TRAMWAY—TOLLS  
—COMPULSORY PURCHASE of LAND—GUARANTEE of DIVIDEND by  
PARTS of CERTAIN BARONIES and PARISHES in the COUNTY of DONEGAL  
—ARRANGEMENTS WITH OTHER COMPANIES—CONTRIBUTION by the  
GREAT NORTHERN RAILWAY COMPANY.

Notice is hereby given, that application is intended to be made to the Lord Lieutenant in Council, through the Grand Jury of the county of Donegal, at the ensuing spring (or summer) assizes for an Order in Council under the provisions of the Tramways (Ireland) Act, 1860 ; the Tramways (Ireland) Act, 1861 ; the Tramways (Ireland) Act, 1871 ; and the Tramways (Ireland) Amendment Act, 1881, the Tramways and Public Companies (Ireland) Act, 1883, to authorize the incorporation of a company, and for enabling the promoters or the company so to be incorporated, or any company already incorporated, which are herein afterwards called the promoters or company, to make and maintain the tramways hereinafter described, or some part or parts thereof respectively.

Tramway commencing at a point near the Great Northern Railway Station (describe the point particularly) in the town of St. Johnson, in the parish of \_\_\_\_\_, county of Donegal, and terminating at a point (to be particularly described) in the town of Raphoe, parish of Raphoe, and county of Donegal. The said tramway is to pass partly over the public road, and partly adjacent thereto, and through the townlands of (name townlands).

To authorize the incorporation of a joint stock company for the execution of the said undertaking.

To empower the promoters or the company for all, or any of their said undertakings, to purchase or acquire lands by compulsion or agree-

\* The word tramway or light railway will be used as required.

ment ; to enable the promoters or the company exclusively to use and to levy tolls, rates, and charges, for the use of the proposed tramways, by carriages, engines, and horses, passing along the same, and for the conveyance of passengers or other traffic upon the same.

To authorize the company to use either animal or mechanical power for the conveyance of traffic along the tramways.

To enable the company, and the Great Northern Railway Company, from time to time to enter into agreements, and make arrangements for the working, interchange of traffic, use, management, and maintenance of the said intended tramways and works, or any part or parts thereof, and for the supply of rolling stock, necessary machinery and apparatus for the working and use of the same, upon such terms and conditions as may be agreed upon, or settled by arbitration.

To authorize the Great Northern Railway Company to subscribe to and hold shares in the intended tramway company.

Notice is also hereby given, that the promoters will propose, in pursuance of the powers in that behalf conferred, by the Tramways and Public Companies (Ireland) Act, 1883, that the barony of Raphoe, in the county of Donegal, shall guarantee the payment of dividends, and that in the case of default on the part of the promoters, the completion, working, and maintaining of the undertaking may be provided for under the circumstances and in the manner specified in that Act, at the cost of the said barony.

And notice is hereby further given, that the plans of the proposed tramways and works, a book of reference, and a copy of this notice, as published or to be published in the *Dublin Gazette*, will be deposited on or before the 1st day of December next, for public inspection, with the Secretary of the Grand Jury of the county of Donegal, at Lifford, in said county ; and with the County Surveyor thereof, at the same place ; and with the Clerks of the Poor-law Unions of

Dated this        day of November, 1881.

(Here signatures.)

Your memorialists also, on or before the 1st of December, 1881, duly deposited with the Secretary of the Grand Jury of the said county of Donegal, a copy of the said advertisement as published by them, a published map to a scale of not less than a quarter of an inch to a mile, with a line of the proposed tramway delineated thereon, so as to show their general course and direction ; and also plans, book of reference, and sections, duly prepared according to the regulations of the Tramways (Ireland) Act, 1860 ; and they also on or before the 1881, deposited with the County Surveyor of the said county of Donegal, and the clerk of each union through which the said tramway is proposed to be made, copies of the said documents ; and your memorialists also, on or before the        , duly served all notices required by the third section of the Tramways (Ireland) Act, 1860, to be served.

The construction, maintenance, and working of the Tramways mentioned in the said advertisement would be of great local and public utility.

Your memorialists have in all respects complied with the directions contained in the Tramways (Ireland) Acts, 1860 and 1861, and on their part as promoters of the said proposed tramway to be observed. And your memorialists are desirous to construct, maintain, and work the said tramways, and to be incorporated into a Joint Stock Company for that purpose, in accordance with the provisions of the said Acts, as amended by the Acts to amend the Tramways (Ireland) Acts, 1860 and 1861, and the Tramways and Public Companies (Ireland) Act, 1883.

Your memorialists, therefore, pray that an Order in Council may be made, and same confirmed by an Act of Parliament, authorising the making of the said tramways described in the said advertisement, and in the said plans and sections, and for their incorporation into a Joint Stock Company, for the execution of the undertaking, and with enactments in the terms of the draft order proposed by your memorialists and contained in the schedule to this memorial, or in such other terms as may seem meet.

Signed by promoters, or one of them.

SCHEDULE to the above written Memorial, containing a draft of the proposed ORDER in COUNCIL to be confirmed, if necessary, by Act of Parliament, authorising the making and working of the St. Johnson and Raphoe Tramway under the provisions of the Tramways (Ireland) Acts, 1860, 1861, 1871, 1881, and 1883.

Whereas, on or before the 1st day of June, 1881, a memorial was presented by to the Lord Lieutenant in Council, pursuant to the provisions of the Tramways (Ireland) Acts, 1860, 1861, 1871, 1881, and 1883, alleging that the construction, maintenance, and working of the tramway therein referred to, and hereinafter authorized to be made, would be of great public and local advantage, and that the memorialists had in all respects complied with the directions contained in the Tramways (Ireland) Acts, 1860, 1861, and 1883, and that they were desirous to construct, maintain, and work the said tramway, and to be incorporated into a Joint Stock Company for that purpose, in accordance with the provisions of the Tramways (Ireland) Acts of 1860, 1861, 1871, 1881, and 1883. And whereas, it is expedient, that the said tramway should be made and maintained.

Now, we, John Poyntz, Earl Spencer, Lord Lieutenant General and General Governor of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, and in pursuance of the said Acts, and by virtue of the powers thereby vested in us, and of every other power enabling us in this behalf, do hereby order as follows—

1. The following persons, namely—

[Names]

being subscribers to the said undertaking, and all other persons and Corporations who have subscribed or may hereafter subscribe to the undertaking authorized by this order, and their executors, administrators, successors, and assigns shall be, and they are hereby constituted

a company for the purpose of making and maintaining the tramway authorised by this order, and for the other purposes of this order, and for these purposes shall be and are hereby incorporated by the name of "St. Johnson and Raphoe Tramway Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the purposes of the undertaking, subject to the provisions of the said Acts.

2. The St. Johnson and Raphoe Tramway Company (hereinafter called "The Company") shall be the undertakers of the works authorised by this order.

3. The Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Acts, 1861, 1871, 1881, and 1883, shall be incorporated with and form part of this order, as also the following Acts, so far as they are not inconsistent with the aforesaid Acts and this order, that is to say—the Lands Clauses Consolidation Act, 1845; the Companies Clauses Consolidation Act, 1845; the Railways Clauses Consolidation Act, 1845; and the Railways Act (Ireland) 1851, and the Railways Act (Ireland) 1861, as the same Acts are now respectively amended, and the Railways Act (Ireland) 1851, and the Acts amending the same shall be read and construed as if the word railway therein meant and included the word tramway.

4. The capital of the company shall be divided into shares of each. [Here insert all provisions as to amount of capital, payment of calls ordinary and preferential, or guaranteed shares, payment of dividends, guarantee of the same, &c.]

4a. The company shall not issue any share raised under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until the fifth of the amount of such share shall have been paid in respect thereof.

5. And whereas the grand jury of the county of Donegal did make a presentment that the barony of Raphoe in the said county shall be chargeable with the payment of dividends at the rate of per annum upon the paid up capital as defined by the Tramways and Public Companies (Ireland) Act, 1883, and also that the said barony shall, in case of default on the part of the promoters, become chargeable with the cost of completing, working, and maintaining the undertaking in order to give effect to the said presentment, the same is hereby confirmed.

If the company fail to complete the line, or if at any time the receipts from the undertaking are insufficient to defray the expenses of management, working, and maintenance, then the sum necessary for those purposes shall be assessed and levied off the said barony of Raphoe.

(Here insert any such provision as may be necessary to ensure the maintenance and working of the undertaking).

6. The said barony of Raphoe shall be represented on the Board of Directors of the said company by a person who shall be nominated at the presentment sessions held and who shall be paid £ for every meeting of the Board of Directors which he shall

attend. Such nomination may be rescinded at any present sessions held at \_\_\_\_\_ and another person may be appointed to represent the said barony.

The Company shall twice in every year after the opening of the Tramway for traffic make out and render to the arbitrators full, true, and distinct accounts of all the receipts in the nature of revenue arising in any manner from the undertaking, and of the expenditure in connection therewith chargeable to revenue for the preceding half-year, ending the 31st day of December or the 30th day of June, as the case may be, which account the said arbitrators shall and they are hereby authorised and empowered to examine, with the documents and vouchers relating to the same, and all the books, papers, and accounts in the custody and control of the Company relating to the business of the Company, and all such accounts, documents, vouchers, books, and papers, shall be kept by the company, who shall upon the request of the said arbitrators from time to time produce the same to the said arbitrators for examination, and such arbitrators may, if they or he think fit, employ an actuary or accountant to assist them or him in such examination from time to time at the cost and expense of the Company, and the Company shall at all times after the opening of the Tramway or any part thereof, keep proper and correct books of accounts to show the receipts and profits on the Tramway and the expenditure thereof, and the arbitrator so long as any liability on the rateable district by virtue of the Act continues, shall at all reasonable times have access to such books of accounts, and may take extracts therefrom, and the Company shall, during the liability of the rateable district to contribute, send duplicate returns to the said arbitrators of any accounts which they are bound by Act of Parliament now in force, or that may hereafter be in force, to send to Clerks of the Peace, and the said arbitrators shall adjust and balance the said accounts, and as to all matters relating to the said accounts, their decisions shall in all respects be final and conclusive.

If and when a Banking Company shall, under the provisions of the Act 30 & 31 Vic., chapter 46, become Treasurer of the said County, the provisions of this section relating to the Treasurer of the said County shall be applicable to the said grand jury.

7. The Company may borrow on mortgage or bond, at interest, from time to time, such sum or sums of money as may from time to time be required for the purposes of the works authorised by this Order, not exceeding in the whole \_\_\_\_\_, at such rate of interest, and repayable at such times as the directors may determine; but no money shall be so borrowed until a sum equal to half the capital of the Company, is subscribed for, taken, and is paid up, and the Company satisfies the Justice who is to certify under section 40 of the Companies Clauses Consolidation Act, 1845, before he so certify that this capital has been subscribed for *bona-fide*, and is held by subscribers or their assigns, legally liable for the same.

8. The mortgagees or bond-holders of the Company may enforce the payment of arrears of interest, or the arrears of principal and interest due on their respective mortgages by the appointment of a Receiver.

9. The Company shall not out of any money raised by calls or borrowing pay interest or dividends to any shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the Company paying to any shareholder such interest on any money advanced to him beyond the amount of the calls actually made, as may be in conformity with the provisions of the Companies Clauses Consolidation Act, 1845, and every part of the money so raised shall be applied only for the purposes authorised by this Order.

10. The first General Meeting of the Company shall be held within six calendar months after the confirmation of this Order, at such place as the Directors may determine, and General Meetings of the Company shall be thereafter held, either once in every six months, or once in every twelve months, according as the Directors may determine.

11. The quorum of every meeting of the Company shall be ten proprietors, holding in the aggregate not less than one-twentieth of the nominal Capital of the Company.

12. The number of Directors shall not be more than five or less than three.

13. The qualification of a Director, elected by the shareholders, or nominated as herein provided, shall be the holding in his own right of not less than ten shares in the capital of the Company.

14. The quorum of a meeting of Directors shall be three.

15. The persons hereinbefore named may nominate the persons who shall either conjointly with themselves, or any of them, or otherwise, be the first Directors of the Company, and the Directors so nominated shall continue in office till the first General Meeting of the Company.

16. The remuneration of the Directors shall from time to time be fixed by a General Meeting, and shall be divided among the Directors in such manner as they determine.

17. One or more Auditors shall be appointed to examine the accounts and balance-sheets of the Company. No auditor need be a member of the Company; but no person shall be eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no Director or other officer of the Company shall be eligible during his continuance in office.

18. The Company may construct and maintain, subject to the provisions of this Order, the Tramways mentioned in the said Memorial in the directions and levels, with the powers of deviation (if any) specified and described in the plans, Book of Reference, and Sections deposited by the Promoters with the Secretary of the Grand Jury of the County of Donegal, pursuant to the aforesaid Acts, and upon such gauge, not being less than        feet, as the Company shall think fit, with proper rails, plates, offices, engine-houses, stables, carriage-houses, warehouses, works and conveniences connected therewith, or for the purposes thereof, and may work and use the same by locomotive engine, electricity, or other mechanical powers, or by animal power, or partly by one, and partly by the other kind of power, and (subject to the provisions of the said Acts and of this Order), may purchase, acquire, and hold all such lands and easements as may be necessary for the purposes of the said Tramways, and any engine-houses, stables, carriage-houses, warehouses,

and other buildings and works requisite for the working of the said Tramways.

The line of tramway shall be laid along one side of the road going from Victoria-Bridge to Castlederg, and shall run close alongside the fence, in such position and in such manner as the Surveyor of the said county shall direct, and in all respects to his satisfaction. The width of the tramway shall not exceed 9 feet, and 18 feet clear shall be left in all places between the outer edge of the raised portion of tramway and the toe of opposite fence, as required by section 7 of the Tramway Act, 1881. The tramway to be of any necessary height above the surface of the road, but in no case shall the upper surface of the rails be below the surface of the road.

The tramways hereby authorised consist of a single line of tramway, with sidings and passing places as follows :—Tramway (here describe line of tramway.)

19. The Company may, subject to the provisions of all the said Acts and of this Order, and with the consent in writing of the County Surveyor, for the purposes of the said Tramways and the construction thereof, cross, alter, or divert temporarily or permanently, any roads, streets, highways, streams, sewers, pipes or other works.

20. The Company shall complete and finish, ready for use, the said tramways, and shall provide a proper quantity of rolling stock within two years from the date of this Order becoming binding. The engines to be used for the purposes of the tramways shall be the approved class of engines in use for Road Tramways at the time such engines are purchased or ordered to be built.

21. Before the Company shall commence to open or break up a street or highroad, they shall give to the County Surveyor notice of their intention to do so, such notice to be given seven days at least before the commencement of the work.

22. The Company shall, when opening or breaking up the highroad for their tramway, in all cases leave a clear space of 15 feet of the roadway open for traffic, except at cross roads, when 10 feet will be left, and such portion of the public road as they shall have opened or broken up, other than that utilized for the formation of the tramway, shall be filled in and restored to as good a condition as that in which it was before it was opened or broken up, and to the satisfaction of the County Surveyor. The Company shall clear away all rubbish occasioned thereby, and shall, during such period as any street or highroad may be opened or broken up, cause the place where the street or road is opened or broken up to be properly watched, and lighted at night.

23. The Company shall pay all reasonable expenses of the repair of the streets and highroads upon which they shall have constructed the tramway for six months after the same shall have been restored, so far as those expenses are increased by the opening or breaking up the street or road.

24. The Company shall at their own expense, at all times while the tramway shall be worked, construct, maintain, and repair so much of any street or highway where the tramway is laid as lies between the rails of the tramway, and for 2 feet on either side of the same, to the

reasonable satisfaction of the County Surveyor, and in case of dispute as to the matters in this or the preceding sections 22 and 23, the same shall be referred to an engineer to be appointed by the Board of Trade, whose decision shall be final. The Company shall also keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramway, and the substructure on which the same rest.

24a. Where no footpath is now in existence along any part of the said road the Company shall keep the surface of the said tramway in good order so as to be available to the satisfaction of the County Surveyor for foot passengers, the decision of said County Surveyor as to same to be final.

25. In case at any time the Company shall fail or neglect to execute any work of maintenance or repair, the duty of performing which is cast upon them by this Order, after the expiration of four days from the service on them of a notice in writing by the County Surveyor, or any of his assistants, then and so often as the same shall happen, it shall be lawful for any two magistrates of the County, without prejudice to any other remedy in that behalf, to order any work, or maintenance, or repair, as aforesaid, to be executed by the Company, at their own expense, within such time as the said magistrates shall direct, and in default thereof it shall be lawful for the said County Surveyor to cause the said work to be executed, and the Company shall, on demand by the said County Surveyor, pay to him all the expenses incurred in the execution thereof.

26. The Company shall, at their own expense, make, repair, and maintain all such fences along the road traversed by the tramway as shall in the reasonable opinion of the County Surveyor be requisite for the protection of the public, and if, in the construction of the tramway, the Company shall close or render any existing stone depots useless or dangerous to use, the Company shall at their own expense construct an equal number of depots, of the same dimensions as those closed or rendered useless or dangerous to use, in such places as shall be determined by the County Surveyor, and complete the same in all respects to his satisfaction.

27. Where the tramways, or any work in connection therewith, shall interfere with any sewer, drain, or work belonging to any road, or in any way affect the sewerage or drainage, or levels of the adjoining portions of the road or footpath, the Company shall not commence the tramway or work until they shall have given to the County Surveyor fourteen days' previous notice in writing of their intention to commence the same, by leaving such notice at the office of such Surveyor, with all necessary particulars relating thereto, including a proper plan of the proposed mode of interference, nor until such Surveyor shall have signified his approval, disapproval, or give other directions within fourteen days after the service of the said notice and particulars as aforesaid, and the Company shall comply with and conform to all directions and regulations of the said Surveyor in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such Surveyor shall reasonably require for the proper



protection of, and for preventing injury to, the sewers or works hereinbefore referred to, and for properly adjusting road levels as aforesaid by reason of the tramway, and shall save harmless the County Surveyor against all expense occasioned thereby, and all such works shall be done under the direction and control of the County Surveyor, at the reasonable costs, charges, and expenses in all respects of the Company, and when any such work shall be completed as described above, it shall be fully and completely under the direction, jurisdiction, and control of the proper authority, and be maintained by them as any sewers or works.

28. The Company shall not be deemed to have acquired any right other than that of user only in the soil of any street or highroad along or across which they may lay any tramway.

29. The Company may (subject to the provisions of this Order) and with the consent in writing of the County Surveyor, from time to time make all such crossings, passing places, sidings, junctions, and other works (including turning loops and triangles at the termini) as may from time to time be necessary or convenient for the efficient working of the tramway, or any part thereof, or for providing access to any stables, carriage-sheds, engine-houses, depositories, or works of the Company.

30. If and whenever it shall become necessary, for the purpose of repair, or other similar and temporary purposes, to remove or close any part of the tramway of the Company, they may lay down on some other part of the same, or on an adjoining part of the street or roadway, a temporary tramway, instead of the part removed or closed, and may maintain and use the same until the part so removed or closed is reinstated.

31. The Company may, from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole 8 acres.

32. The carriages used on the tramway may, subject to the provisions of this Order, be moved by animal power, steam power, electricity, or other mechanical power.

33. The Company shall be entitled to demand and take such tolls and charges as shall not exceed the maximum tolls and rates of charge which are specified in the schedule to the Tramways (Ireland) Acts, 1860 and 1881.

34. A list of all tolls and charges authorised to be taken shall be exhibited in a conspicuous place inside each of the passenger carriages used upon the tramway.

35. The Company shall construct and maintain level crossings to enable vehicles of all kinds to cross the Tramway at the junctions of every street and road, with the road along which the tramway shall be laid, and at the existing entrances to all lands and buildings abutting on or in the vicinity of such road or street, and in such manner, and with such protection for the public safety, as in the opinion of the County Surveyor is necessary, and to the satisfaction of such County Surveyor.

In case any land owners or occupiers require any new entrances to

any of their lands or buildings adjoining said tramway, the Company shall, at their own expense, make such changes as shall be deemed necessary by the County Surveyor to enable such owners or occupiers to have such entrances made, and shall co-operate with such owners or occupiers in carrying out same and making the necessary arrangements, provided always that in doing so the Company shall not be bound to alter the gradients of their line, or in any case to make any alterations unless the County Surveyor shall certify in writing that such proposed new entrances are reasonable and necessary.

The following clauses shall be carried out and maintained, subject to the approval of the County Surveyor, unless he shall in writing consent to same being modified or dispensed with :—

(a.) Where the tramway passes gates leading into fields and lanes from the public road, the tramway shall be paved with sets for a width of 9 feet, and a pipe provided for the water table.

(b.) Where the tramway crosses public roads the rails are to be laid level with its surface, and the guard to be of hard wood.

36. If any difference shall arise between the Company on the one hand, and any corporation, body, County Surveyor, or other person on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company in relation to their tramways and works, or in relation to any work or proceeding of such corporation, body, or County Surveyor, or other person, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy such corporation, body, County Surveyor, or other person concerned, or with respect to any other subject or thing, the matter in difference may be settled by a referee nominated by the Board of Trade on the application of either party, and the expenses and costs of the reference shall be borne and paid as the referee directs.

37. The costs, charges, and expenses of obtaining this Order, including the costs incurred by the grand jury in relation thereto, shall be paid by the Company.

38. This Order shall be cited as “The St. Johnson and Raphoe Tramway Order.”

Given at the Council Chamber Dublin Castle, this  
day of 1882.



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